

MINUTES

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

June 16, 2011

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 A.M.

ADJOURNED: 4:37 P.M.

Bureau Manager:

Noel Taxin

Board Secretary:

Karen McCall

Compliance Specialist:

Ronda Trujillo

Board Members Present:

Greg T. Beyeler, DDS, Acting Chairperson

Karen S. Bateman, RDH

Rich S. Radmall, DDS

Constance A. Sliwinski, RDG

Mark R. Taylor, DDS

Board Members Absent:

Alexander B. Larsen, DDS, Chairperson

Brian L. Lundberg, DMD

Pamela L. Jolley

Warren Woolsey, DDS

Guests:

Leslie Karns, DMD

Richard Buchanan, DMD, USN

Victor Sandoval, DDS, USN

Dr. Don Mantyla, DDS, Professional Insurance
Exchange

Monte Thompson, UDA

DOPL Staff Present:

Peter Bresko, Licensing Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 17, 2011 Board meeting were read.

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

APPOINTMENTS:

9:20 am

Victor Sandoval Presentation regarding University of South Nevada College of Dental Medicine

Board members and Division staff were introduced.

Dr. Buchanan introduced himself, Dr. Sandoval and Dr. Karnes.

Dr. Buchanan, Dr. Karnes and Dr. Sandoval presented information to the Board regarding a new Dental school in Utah, located at 10920 South Riverfront Parkway, South Jordan, Utah 84095.

Dr. Buchanan explained the name of the new Dental school is University of South Nevada College of Dental Medicine but will be changing to Rosemund University of Health Sciences. He explained the process for receiving accreditation and stated he will contact Ms. Taxin when accreditation has been granted. He informed that August 10, 2011 is the anticipated date for enrollment and for classes to commence. Dr. Buchanan stated the faculty are seasoned professionals who will assist students, work in collaboration with each other will conduct the ethics training and ensure students have a quality education.

Dr. Buchanan, Dr. Karnes and Dr. Sandoval informed the Board of an individual they would like to employ for faculty who does not have the education required by Utah. They requested the Board and Division to work with them to bring this individual in.

Ms. Taxin responded there is an exemption from licensure for individuals to work as professors and teach but the individual could not do clinical hands on services or prescribe. She explained the process for making a Law change should they want the individual licensed.

Dr. Buchanan thanked the Board for their time and requested he be contacted with any questions.

The Board thanked Dr. Buchanan, Dr. Karnes and Dr. Sandoval for their presentation.

10:00 am
Ronda Trujillo, Compliance Update

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

Ms. Trujillo reported **Dr. Jonathan F. Coleman** is currently in compliance with his Stipulation and Order.

Ms. Taxin stated he was requested to complete a psychological evaluation from a pre-approved evaluator. She stated he had an evaluation but it was not from a pre-approved evaluator and it did not meet the requirements. She stated Dr. Coleman then had another unapproved evaluation but she talked with the evaluator after and requested an addendum to the evaluation so that it would meet approval requirements. Ms. Taxin stated the evaluator addressed the issues and concerns in the addendum and stated it appears Dr. Coleman has a low probability for relapse and does not believe he needs to attend PIR meetings. She stated if the Board wishes to discuss specifics about the evaluation the meeting can be closed. Ms. Taxin stated she believes Dr. Coleman is attending several AA meetings each week.

Ms. Trujillo reported **Dr. Verd J. Erickson** is currently in compliance with his Stipulation and Order. She requested the Board to consider reducing his supervisor visits from weekly to monthly, every two months or quarterly when the reports are due.

Ms. Trujillo reported **Dr. John V. McArthur** is currently in compliance with his Stipulation and Order. She stated the certificate from Stepping Stones to Success has been received and his essay on adapting his practice to comply with the Laws and Rules is due by August 3, 2011. Ms. Trujillo reminded the Board that Dr. McArthur was to bring a couple of patient charts to be reviewed.

Ms. Trujillo reported **Dr. Louis R. Christensen** is currently non-compliant with his Stipulation and Order. She stated the therapist reports are due monthly but have not been submitted monthly. She stated she informed Dr. Christensen of the reports not being submitted monthly and he had responded his supervisor saw him monthly for six month and then quarterly so they changed the reports to quarterly. Ms. Trujillo stated she informed Dr. Christensen that the Board needs to approve changing reports from monthly to quarterly. She stated the evaluation stated Dr. Christensen would benefit more from individual therapy. She stated the Board has not yet approved the therapist. She stated there are prescriptions on the database that have not yet been reported to DOPL and he is required to notify DOPL within 48 hours of any prescriptions. She stated she is not sure if he has found an AA sponsor in St. George as he was requested to do at the last meeting.

Ms. Taxin reminded the Board that Dr. Christensen was not comfortable with his therapist and the Board had agreed for him to make a change. She stated Dr. Christensen needs to communicate with Ms. Trujillo.

Ms. Trujillo reported **David L. Flynn** is currently in compliance with his Stipulation and Order. She stated she requested Dr. Flynn to ask his therapist and supervisor to be more specific on the reports.

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

Ms. Trujillo reported **Dr. Steven Pinegar** is currently non-compliant with his Stipulation and Order. She stated there was no monthly supervision report submitted for May. Ms. Trujillo stated Dr. Pinegar has not yet submitted the required and requested documentation of completing his CE course.

Ms. Taxin commented Dr. Pinegar could contact

Ms. Trujillo to be sure all required information has been submitted and received. She stated she believes he has been informed at previous meetings to contact Ms. Trujillo. She stated the Board needs to know how he is performing his Dental duties and the reports should give enough feedback for the Board to evaluate. She reminded the Board Dr. Pinegar needed another course on seating crowns and she has not heard if he completed that course. She stated he needs to take his probation seriously and take responsibility to be sure his information is submitted.

Ms. Bateman stated Dr. Pinegar is half through his probation time. She asked what the Board can do.

Ms. Taxin responded the Board should make it clear to Dr. Pinegar that he is out of compliance, his reports are due at a specific time and specific information must be submitted and he must provide documentation of completion of the required courses. She stated Dr. Pinegar should have no confusion regarding the requirements of his Order and if he continues to be non-compliant the Board could request an Order to Show Cause for a hearing to discuss his non-compliance. She explained the Order to Show Cause process.

Dr. Beyeler asked if Dr. Pinegar was required to pay restitution to the patient.

Ms. Bateman responded the patient underwent treatment elsewhere and restitution was no required.

Ms. Trujillo reported **Dr. John Scott Coleman** is currently in compliance as much as possible with his Stipulation and Order for his first appointment. She stated he entered into an amended agreement in Arizona which is attached to the Utah Order.

Ms. Taxin explained Dr. Coleman had an opportunity to come to Utah and was issued a probationary license due to substance abuse issues in Arizona. She stated the opportunity in Utah fell

through and Dr. Coleman will remain in Arizona. She stated she offered him several options but he wants to retain the Utah license as he really wants to ultimately live and work in Utah. She stated if Arizona terminates his probation then Utah could terminate the Utah probation, a copy of all Arizona reports are required to be sent to Utah. Ms. Taxin stated Dr. Coleman will meet telephonically today and the Board should let him know the expectations so he can work off his Utah probation time. Ms. Taxin stated there is a copy of his evaluation in his file for the Board to review and the meeting could be closed if the Board wants to discuss specifics in the evaluation.

Ms. Trujillo reported **Dr. Jared W. Hemmert** is currently in compliance with his Stipulation and Order. She stated Dr. Perrero is moving and Dr. Hemmert will request approval for Dr. John Peterson to be his new supervisor.

Ms. Taxin explained Dr. Hemmert started interviewing Dentists to find someone who would best fit his type of practice and asked if John Peterson would meet DOPL qualifications. Ms. Taxin stated Dr. Peterson would meet qualifications although he is a newer Dentist and would need to understand the expectations to supervise Dr. Hemmert to make sure the boundaries are established for the supervisor to be in charge and for Dr. Hemmert to accept and follow any feedback given. She stated Dr. Hemmert is in compliance, trying to do well and has voiced he is willing to get someone in his office for the peer support. Ms. Taxin requested the Board to discuss Dr. Hemmert's CS license as he has not had one since January 2010 and he has been sober and in compliance with the probation. She stated she believes he needs to work with his new supervisor for awhile before the Board approves reinstatement of the CS license. Ms. Taxin stated an opinion letter should also be requested from Dr. Hemmert's therapist which tells the Board and Division he is safe to practice with the CS.

Dr. Radmall suggested Dr. Peterson meet with Ms. Taxin telephonically and he not meet with the Board unless there are concerns.

Ms. Bateman reminded the Board that Dr. Hemmert has wanted the Board to agree to reinstatement of his CS license since his first appointment.

Dr. Mantyla informed the Board of a telephone call from Dr. Perrero asking if he could supervise the prescriptions as Dr. Hemmert requested him to sign the insurance forms as the treating practitioner. He stated it is fraudulent for Dr. Perrero to sign the insurance forms as the treating practitioner if he is not treating the patient. He asked for a Board response.

Ms. Taxin responded Dr. Mantyla is correct and that Dr. Hemmert can write non-controlled substance prescriptions but no controlled substance prescriptions. She requested the Board to be very clear regarding the requirements of the Law with prescribing to Dr. Hemmert.

Ms. Bateman commented she believes Dr. Hemmert understands the Law and what he can or cannot do.

10:20 am

Dr. Jonathan F. Coleman, Probationary
Interview

Dr. Coleman met for his probationary interview.

Dr. Taylor conducted interview.

Dr. Coleman reported the insurance panels have dropped him due to his probation.

Ms. Taxin informed the Board that she wrote a letter to the insurance companies for Dr. Coleman.

Dr. Taylor commented Dr. Coleman can still make a living without depending on insurance payments. He stated people can be loyal because of services Dr. Coleman provides.

Dr. Coleman responded it is a little frightening with a

fairly new practice not to rely on insurance payments.

Ms. Taxin asked how long Dr. Coleman has been sober, if he is attending AA meetings regularly and going to therapy.

Dr. Coleman responded he has been sober about a year and a half. He stated he has also been in therapy about a year and a half and they are running out of issues to discuss.

Ms. Bateman asked how frequently he goes to therapy.

Dr. Coleman responded once a month.

Ms. Taxin asked if Dr. Coleman went to the liquor store when he got stressed.

Dr. Coleman responded yes.

Ms. Taxin requested Dr. Coleman share what he has learned in therapy, what changes he has made to handle things different when he is stressed, and who he relies on when he is stressed.

Dr. Coleman responded he has learned that when he is stressed he would turn to liquor to forget things. He stated he now relies on family and friends to help him through the stress by letting them know how he is feeling. Dr. Coleman stated he also attends AA meetings twice a week, has a good sponsor and good connections there.

Ms. Taxin thanked Dr. Coleman for his response. She encouraged Dr. Coleman to use his therapist as a support. She suggested he request a letter from her regarding how he is doing and the issues they have worked on as that gives the Board feedback. She stated the reports should address his sobriety and how he is functioning. Ms. Taxin stated the Board and Division want Dr. Coleman to be successful in his probation.

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

An appointment was made for Dr. Coleman to meet again September 15, 2011.

10:40 am

Dr. Verd J. Erickson, Probationary Interview

Dr. and Mrs. Erickson met for his probationary interview.

Ms. Bateman conducted the interview.

Ms. Bateman acknowledged Dr. Erickson did not meet in March due to illness. She welcomed him today and voiced concern for his health. She requested Dr. Erickson give the Board an overview of what he learned from attending the PACE program.

Dr. Erickson thanked the Board for their concern regarding his health. He explained he has developed a strong distrust of what interactions are between people. He stated he does not trust the surface actions as there is always something going on underneath. He stated he believed he had a good reading on people but has learned he does not and that he has to be more aware of the communications.

Ms. Bateman commented as a professional it is difficult as he can not treat the staff as he would like to due to the actions of a few. She suggested he use caution with all his staff.

Dr. Taylor asked if there was anything Dr. Erickson would change.

Dr. Erickson responded the PACE course was on boundaries. He stated he learned people keep a circle around themselves, do not let other intrude on their circle and they do not intrude on the circle of others. He stated he learned the more you get to know a person the more you allow them to manipulate you if they have that desire. He stated in his office he has never enjoyed sharing lunch time with his staff which makes it a good reason not to have daily office lunches.

Mrs. Erickson commented Dr. Erickson also shared Birthdays with his staff. She stated she works at his

office and Dr. Erickson no longer goes to his staff but has them come to him. She stated the staff were not happy when he discontinued giving hugs at the end of the day.

Dr. Erickson remarked he will no longer share the Birthdays.

Ms. Taxin stated Dr. Erickson could still share Birthdays with his staff. She stated he should explain why he is no longer giving hugs at the end of the day and teach them to have boundaries with each other and patients. She stated he should let them know he is protecting them as they could run into someone who was intentionally trying to touch them.

Mrs. Erickson commented there have been staff members who have shared that they have been abused by other Dentists.

Dr. Erickson explained he has been in practice for about 40 years and has fought against having a policy book but since taking the class he now has a staff policy book which they are revising and trying to incorporate some of the staff ideas. He stated he now sees the value in having and using the book.

Ms. Bateman commented her office has a policy book. She stated it is a way for an employee who is not working out to let them go and to award those who are doing a good job. She suggested he end the day with a hand shake and acknowledge the day is over by telling his staff they did a good job today. She suggested he take the good things and change them a little to stay within appropriate boundaries.

Dr. Taylor commented there was a time when hugs were appropriate but no longer.

Ms. Bateman commented she knew Dr. Erickson was apprehensive in taking the course but it appears it was a good learning experience for him.

Dr. Erickson responded he going to recommend his

son-in-law also take the course.

Ms. Bateman stated Dr. Erickson or his supervisor, Dr. Ence, requested the supervision visits be less often. She asked the Board for input.

Ms. Taxin asked if their meetings are beneficial.

Dr. Erickson responded yes.

Ms. Taxin stated the supervisor is the eyes for the Board. She suggested they meet monthly for awhile and then when it is documented that some issues have been resolved he could request less frequent visits. She suggested they discuss scenarios, medications kept in the office, ordering controlled substances, reviewing the orders that go out of the office, if administering in the office check the log and charts to be sure they are correct, do not take medications back once they have been given to a patient, discuss different issues in the prescribing arena, have a policy never to prescribe schedule II's or III's to family members and discuss procedures. Ms. Taxin suggested they discuss how to be more efficient in order to be a better practitioner, review ideas to grow and help others grow. She stated they could discuss what to do if a staff member was stealing prescriptions or calling in prescriptions. Ms. Taxin stated Dr. Erickson wants to treat the patient but the business aspect is also an important part and he is responsible.

Mr. Bateman suggested they also discuss boundary issues and be sure to take an interest in staff without being interested in staff.

Ms. Bateman made a motion for Dr. Erickson and his supervisor, Dr. Ence, to meet monthly and for the monthly reports to be submitted quarterly.

Dr. Taylor seconded the motion.

The Board vote was unanimous.

Ms. Taxin gave Dr. Erickson the website address to

obtain the Laws and Rules to review. She asked that he request Dr. Ence to include in the reports what they have discussed, how he has made changes and what he has learned.

Dr. Beyeler commented since serving on the Board he has learned how important it is to review the Laws and Rules to be familiar with them.

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

An appointment was made for Dr. Erickson to meet again September 15, 2011.

11:00 am

Dr. John V. McArthur, Probationary Interview

Dr. McArthur met for his probationary interview.

Dr. Taylor conducted the interview.

Dr. McArthur stated he was informed about two weeks ago that the DEA is filing a civil suit against him and will be fining him \$10,000.00 or more. He stated he has been taken off many of the insurance panels which affects his practice.

Ms. Taxin responded she was not aware of Dr. McArthur's difficulties. Ms. Taxin asked if Dr. McArthur talked with Lynette at the DEA and if he informed her he is working toward obtaining his CS again.

Dr. McArthur responded yes, Lynette asked about his paying the fine and requested a full financial accounting history from him. He questioned this situation.

Ms. Taxin stated Dr. Monte Dansie had the same thing happen to him and his attorney had told him not to worry. She stated she believes there are certain DEA violations with fines attached but she does not understand the process. Ms. Taxin suggested Dr. McArthur respond and see if he can get the fine reduced. She suggested he talk about being monitored by the Board and let them know he is taking courses to help with his practice.

Dr. Taylor asked about Dr. McArthur's course from Stepping Stones to Success.

Dr. McArthur responded it was a good course and he learned everything has to be documented. He stated he is in the process of receiving their starter kit to help in his office.

Dr. Taylor reminded Dr. McArthur that he has an essay due August 3, 2011.

Dr. McArthur voiced awareness of the essay and date deadline.

Ms. Trujillo asked if Dr. McArthur brought some charts for the Board to review.

Dr. McArthur responded yes. He stated he obtained permission from three patients to have the Board review their charts.

The charts were distributed to Board members to review.

Dr. Beyeler commented on the patient charts and stated Dr. McArthur should have current documentation instead of using an entry of periodontal maintenance. He stated the last few entries are very well written.

Dr. McArthur commented the Stepping Stones courses were very helpful and he is learning as he goes.

Ms. Bateman commented that the file she was reviewing has a referral form but the computer program indicates the form was completed and another computer print out indicates there is an existing referral.

Dr. McArthur responded he saw the patient initially and the referral form was completed by a different Dentist.

Ms. Bateman suggested he still use the existing form if he is referring the patient to someone else to complete the dental work. She stated the

information might be clear to him but might not be clear to someone else.

Ms. Sliwinski commented she could not locate a current periodontal entry.

Dr. McArthur asked if the file has a referral form from someone else.

Ms. Sliwinski responded yes. She stated there is also no charting for 2010.

Ms. Taxin suggested Dr. McArthur bring these charts back for his next appointment or bring a few other charts for the Board to see how he is progressing in his charting.

Dr. Beyeler stated if someone took the chart to review there should be enough information to know what services/treatments Dr. McArthur has done.

Ms. Bateman stated the Hygienist has documented well on symptoms Dr. McArthur has treated. She stated she is unable to tell if the treatments are for current or ongoing decay, was it severe or light decay and what materials were used to treat.

Ms. Taxin commented documenting details can help him to know what services he did and will protect him and the patients.

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

An appointment was made for Dr. McArthur to meet again September 15, 2011.

11:20 am

Dr. Louis Christensen, Probationary Interview

Dr. Christensen met for his probationary interview.

Ms. Bateman conducted the interview.

Dr. Christensen stated he has done well on his sobriety but not as well on his own paperwork for supervision and therapy reports. He stated he believes he is clear now on the paperwork requirements and will try to do

better.

Ms. Bateman stated once Dr. Christensen has established a track record for consistent compliance then the Board could consider recommending the therapy and supervision reports be submitted quarterly. She recommended at least three more reports be submitted with more information on the reports.

Ms. Taxin clarified that Dr. Christensen is out of compliance for not getting his paperwork in and as long as he is out of compliance the reports must be submitted monthly. She stated Dr. Christensen's supervisor is the eyes for the Board and the more information included on the report gives the Board a better idea of his performance and sobriety.

Dr. Christensen stated he saw his wife's therapist once and his wife went a few times and now he has gone back a few times. He stated he likes the therapist and she gives him assignments to complete. He stated she left the area for a couple of weeks for a humanitarian project but has returned.

Ms. Taxin requested a letter of explanation stating she misunderstood the requirement of submitting reports and to submit one report of how Dr. Christensen is doing and the issues they have been working on. Ms. Taxin asked if a letter acknowledging having read the Stipulation and Order and a willingness to assist Dr. Christensen in being successful was received from Penelope Eicher.

Ms. Trujillo responded Ms. Eicher completed and submitted a form giving all the requested information.

Ms. Taxin asked if Dr. Christensen has a sponsor now in St. George.

Dr. Christensen responded yes.

Dr. Taylor asked if Dr. Christensen has cravings to drink.

Dr. Christensen responded no. He stated there is a lot going on in his life right now and he has had a lot of stress but has had no cravings to drink.

Dr. Radmall requested Dr. Christensen to address his prescription medications.

Dr. Christensen responded he received a prescription medication and asked his pharmacy to fax the information to him to submit to DOPL. He stated they told him to have DOPL call and they would fax the information to DOPL.

Ms. Taxin stated Dr. Christensen is required to notify the Division within 48 hours of taking any prescribed medication. She requested him to give Ms. Trujillo a list of all his current medications including all vitamins and any cold medications. She stated he needs to communicate more with her and Ms. Trujillo.

Dr. Christensen thanked the Board for their comments and stated the Board and AA meetings help him to stay sober.

The Board determined Dr. Christensen is currently out of compliance with his Stipulation and Order based failure to submit monthly therapy and supervisor reports and failure to notify the Division of prescription medications within 48 hours.

An appointment was made for Dr. Christensen to meet again September 15, 2011.

11:40 am

Dr. David L. Flynn, Probationary Interview

Dr. Flynn met for his probationary interview.

Ms. Sliwinski conducted interview.

Ms. Sliwinski informed Dr. Flynn that his reports are all current and Dr. Toone's report was expanded. She thanked him for following up on the request for a more detailed report and asked Dr. Flynn to request Dr. Toone to continue including details.

Ms. Sliwinski asked if Dr. Flynn has stress at work and about his relationship with his family.

Dr. Flynn responded no. He stated he likes the changes he has made in his life but still feels like his life is on hold. He stated he was not allowing himself to enjoy life and was waiting until he is off probation. He stated he feels like he is using his probation as an excuse not to move forward in his life but has realized this only one aspect of his life. He stated his therapist asked if he wanted medication and he declined. He stated he can now deal better with stress. Dr. Flynn stated he is still attending SA groups, is now active in his religion but believes he is still not letting himself enjoy life. He stated he does not do parenting with his daughter, they talk but both are on tight boundaries which they do not cross. He stated her room is in the basement and he does not go to her room.

Ms. Taxin asked how he deals with his other children.

Dr. Flynn responded he shares in the parenting for the other children. He stated when he realized something was going on with his daughter he should have involved his wife more but remembered a past situation with a friend in Jr. High School whose parents installed a camera to see what he was doing and he used that bonehead idea to observe his daughter. Dr. Flynn stated his therapist said he went as far as possible without having pornographic problems.

Ms. Sliwinski asked if Dr. Flynn is in control at work.

Dr. Flynn responded yes. He stated he has always had strict boundaries at work, he is chaperoned continuously and sometimes it feels as if he is tracking the chaperones instead of them tracking him.

Ms. Taxin commented on how well Dr. Flynn has done on his probation requirements. She stated the Board appreciates his taking the probation seriously.

Dr. Flynn requested the Board to consider giving him partial credit on his probation time for the year he was on civil probation.

Ms. Taxin responded the Board may consider his request. She stated probationers may request early termination at any time during their probation but the Board reviews length of time in compliance and safety to practice. She stated his probation would need to be at least half completed. Ms. Taxin stated his request would not be considered without a letter of recommendation from his therapist who has reported they are working on additional issues now. She stated she would recommend another evaluation with a recommendation of Dr. Flynn's safety to practice and the issues having been addressed but not to obtain another evaluation until he is half completed with his probation time.

Dr. Beyeler asked when Dr. Flynn had the first evaluation and who the evaluator was.

Dr. Flynn responded the evaluation was in 2000 and Dr. Burns was the evaluator.

Ms. Taxin suggested he go back to Dr. Burns for a reassessment. She stated today is the first time Dr. Flynn has shared some information with the Board.

Dr. Flynn stated some insurance panels want more information regarding the reasons for his probation and some want a letter on how he is doing. He asked if the Division could write some letters for him.

Ms. Taxin responded she can and will write him a letter for the insurance companies.

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

An appointment was made for Dr. Flynn to meet again September 15, 2011.

12:00 pm to 1:00 pm

WORKING LUNCH

1:00 pm

Dr. W. Scott Anderson, Probationary Interview Dr. Anderson met for his probationary interview.

Dr. Taylor conducted the interview.

Dr. Anderson reported he is trying to sell his practice as he wants to work with someone else as an associate but has no place to go yet. He stated there are several people looking at his building but no buyers at this time.

Dr. Taylor thanked Dr. Anderson for the information and then informed Dr. Anderson he is in compliance with his Stipulation and Order. He asked if Dr. Anderson is receiving support from his family and what is he doing.

Dr. Anderson responded yes he has a good support system. He stated he goes to therapy on his own twice a month.

Ms. Taxin asked what goals he is working on in therapy.

Dr. Anderson responded he and Doug Peterson are working on him keeping his focus, personal values and goal setting.

Dr. Beyeler asked where he wants to practice.

Dr. Anderson responded he has started applying for licensure in Virginia where he originally started his practice but due to probation he was denied so he is now looking at a practice in Clinton.

Ms. Taxin asked how Dr. Anderson deals with patients who want controlled substances.

Dr. Anderson responded he tells those patients he does not prescribe controlled substances.

Ms. Taxin asked if his therapy has moved from working on values to some of the issues regarding the reasons he is on probation.

Dr. Anderson responded yes. He stated they are also working where he wants to be in 5 years or 10 years. He stated he and his counselor have hit a plateau and wanted to know if there is specific date set for termination of counseling or if it is to be ongoing.

Ms. Taxin responded if the therapist believes Dr. Anderson has completed therapy and addressed the concerns in the Order then a letter should be sent to the Division giving that information and include that he has set some goals, etc.

Dr. Anderson thanked Ms. Taxin for the information.

Dr. Taylor asked if Dr. Anderson is attending AA or if he is in contact with any other group.

Dr. Anderson responded no. He stated if he has medical needs or headaches he can contact Dr. Chappell.

Ms. Taxin asked the Board if Dr. Anderson should meet again in September telephonically or in person in December. She also inquired if the therapist recommends terminating therapy if that would affect their decision on his meeting time.

Dr. Radmall commented Dr. Anderson is not required to attend AA meetings or to have any peer review. He asked Dr. Anderson if that he could benefit from having someone monitor him.

Dr. Anderson responded no. He stated he is in the Stake Presidency in his area, they are aware of his situation, are a good support for him and do ask about his progress.

Ms. Taxin requested Dr. Anderson ask his Stake President to write a letter regarding his awareness, Dr. Anderson's stability, etc, as feedback from an outside source. She stated the Board/Division want to make sure Dr. Anderson is successful in his probation. She stated if his therapist writes a letter and says therapy is no longer necessary the Board/Division would accept that. She also requested he obtain a letter from his Physician

documenting he is stable and safe to practice.

Dr. Radmall and the Board agreed Dr. Anderson could meet telephonically in September.

Dr. Anderson thanked the Board. He stated he has developed a good relationship with his therapist and has had several patients who have psychological components and does not know who to refer them to. He asked if it is a conflict of interest to refer his patients to Dr. Peterson.

Ms. Taxin responded no. She stated if Dr. Anderson receives a kickback for the referrals then it is a conflict as there should be no favors for referrals.

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

An appointment was made for Dr. Anderson to meet telephonically September 15, 2011.

1:20 pm

Dr. Steven Pinegar, Probationary Interview

Dr. Pinegar met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Radmall voiced the concern of the Board as Dr. Pinegar has been non-compliant for some time. He stated the supervisor reports are due monthly, by the first day of the month and a report was not received for May. He stated the reports need to be more informative and more specific.

Dr. Pinegar responded he was out of town and thought the report had been turned in.

Ms. Taxin stated the report for May was not received. She stated the reports need to specifically pertain to his practice as the Board needs his feedback. She stated Dr. McIff has reported to the Board he is comfortable giving Dr. Pinegar feedback but he needs to address in the reports the reasons Dr. Pinegar is on probation and the quality of care he is giving his patients.

Dr. Radmall stated documentation of completion of the course Dr. Pinegar completed has not been received.

Dr. Pinegar responded he is still taking internet courses in crowns, root ratio, porcelain crowns and bridging and will submit certificates of completion when he receives them.

Ms. Taxin stated Dr. McIff needs to address he is reviewing 20% of Dr. Pinegar's charts as required by the Order and if he has concerns he needs to report them. She reminded Dr. Pinegar that his Order required the CE to be completed by May 5, 2011 and he has not met that deadline.

Dr. Pinegar responded he is almost finished with the 20 hours course.

Ms. Taxin stated Dr. Pinegar is to have the certificate of completion by the September 15, 2011 meeting and be prepared to share in writing what he has learned and the changes or corrections he has made in his practice. She requested Dr. Pinegar to be descriptive in his report.

Dr. Pinegar acknowledged the assignment. He then stated he and the Board talked about impression techniques at the last Board meeting. He asked how many hours of CE he needs in that area.

Ms. Taxin responded Dr. Pinegar's Order does not require specific hours but does require he obtain the preapproved courses.

Dr. Radmall requested an outline of the courses.

Ms. Taxin stated the outline should include background information, objectives of the courses, pamphlet of the courses and certificates of completion.

Dr. Radmall stated Dr. Pinegar has been in compliance once in a year. He stated by the September 15, 2011 meeting Dr. Pinegar needs to have everything up to date, a thorough report from Dr. McIff, his CE completed and an essay on what

he learned and changes he is going to make in his practice. Dr. Radmall stated if Dr. Pinegar is non-compliant in September the Board would have to recommend an Order to Show Cause which would extend his probation.

Ms. Taxin stated Dr. Pinegar needs to make corrections and demonstrate to the Board and Division he has made those corrections and he needs to communicate with Ms. Trujillo to be sure his documentation has been received.

The Board determined Dr. Pinegar is out of compliance with his Stipulation and Order.

An appointment was made for Dr. Pinegar to meet again September 15, 2011.

Dr. Pinegar left the meeting.

The Board voiced frustration in that Dr. Pinegar does not appear to be taking responsibility.

Ms. Taxin reminded the Board that Dr. Pinegar's probation is only a two year probation from May 5, 2010 to May 5, 2012.

1:40 pm

Dr. John Scott Coleman, Telephonic Initial Probationary Interview

Ms. Taxin explained Dr. Coleman has a Stipulated Order in Arizona and one here in Utah. She stated Utah's Order is basically paralleled to the Arizona Order. She stated the Board needs to establish if Dr. Coleman has a supervisor in Arizona.

Ms. Trujillo stated the Utah Order says if the Arizona Order is more strict than the Utah Order the time worked there will count toward the probation.

Dr. Coleman met telephonically for his initial probationary interview.

Dr. Radmall conducted the interview.

Dr. Radmall requested Dr. Coleman to briefly explain what brought him before the Board.

Dr. Coleman explained he graduated in 2002 and became involved with drugs and alcohol from 2006 to nearly 2008. He stated he was admitted into an inpatient rehabilitation center and then received a call from the Arizona Dental Board to answer some questions. Dr. Coleman explained he had forged some prescriptions for pain pills and that is what the Arizona Board was investigating. He stated during that time he was living in a halfway house and after hearing his story he was placed in the monitoring program for five years. Dr. Coleman stated his life is doing better. He stated he tried to take recommendations from other people who advised him to go home and when he did things were rocky. He stated he and his wife are still seeing a marriage counselor, he has a sponsor for AA and is attending meetings every Sunday night at a detox center. Dr. Coleman stated he never wanted to put his family through this ordeal but would not trade the valuable experience.

Dr. Radmall asked how long Dr. Coleman has been clean and sober and if he has had any relapses.

Dr. Coleman responded two years, six months and two days. He stated this is his first period of sobriety and has had no relapses since becoming sober.

Dr. Radmall asked when Dr. Coleman's probation in Arizona is scheduled to be completed.

Dr. Coleman responded he will be on probation with Arizona until 2013. He explained he started the Utah process to be licensed as his wife has family in Utah and his son has a disease that could be treated in Utah. He stated he has looked at a few practices and homes in Utah but the banks want him off probation for at least five years before considering him for a loan. He stated based off this he is now planning on staying in Arizona until an opportunity arises in Utah. He then stated he wants to retain his license in Utah to keep his options open in case an opportunity arises.

Dr. Radmall asked if Dr. Coleman understands the conditions of his Utah Order and if he had any questions of the Board.

Dr. Coleman responded yes he does understand his conditions. He asked if Utah would consider counting the time he is on probation in Arizona.

Dr. Radmall responded yes his Arizona time may count. He asked if Dr. Coleman has a supervisor in Arizona.

Dr. Coleman responded yes, Dr. Sucher has been assigned as his supervisor and he oversees the Dentists in Dr. Coleman's group. He stated he is required to meet with a drug counselor, meet with a therapist who reports to the Board and reports to Dr. Sucher. Dr. Coleman stated Dr. Sucher will be his supervisor for the whole five year probation. Dr. Coleman stated reports are due monthly for two years and any medical treatment or prescription he receives or writes must have a duplicate submitted to the Board.

Ms. Taxin stated a letter was received from Dr. Michael Sucher who confirmed Dr. Coleman is fully compliant and there are no safety issues. She stated if Dr. Sucher sends quarterly reports then Utah will honor their contract with Dr. Coleman, meet with him telephonically and count the time for Utah.

Dr. Radmall asked if Dr. Coleman is in private practice or in a group practice.

Dr. Coleman responded he is in a group practice with three other doctors.

Dr. Taylor requested further clarification regarding the reasons Dr. Coleman is on probation and his son's issues.

Dr. Coleman responded his two addictions were cocaine and alcohol. He stated his wife does not drink and could smell it on him when he came home. He stated at the end he started taking pain pills to camouflage the alcohol. He stated he was contacted to meet with the DEA and did not try to lie to them. Dr. Coleman stated his DEA was suspended but the Board let him retain his Dental License and in two years he may reapply for the CS license. He stated his son has

a skin condition where he is loosing the pigment and is in treatment to keep it from spreading. Dr. Coleman stated he and his wife thought the move to Utah would be a good fresh start for the family and their relationship is doing well.

Ms. Taxin asked if Dr. Coleman understands what he must do to maintain his Utah license.

Dr. Coleman responded yes, he must be sure Dr. Sucher submits reports and maintain his active probation status.

Ms. Taxin requested Dr. Coleman to contact Ms. Trujillo if he has any questions.

The Board determined Dr. Coleman is in compliance with his Stipulation and Order as much as possible for his first appointment.

An appointment was made for Dr. Coleman to meet again telephonically September 15, 2011.

Dr. Coleman disconnected.

Ms. Taxin stated Dr. Coleman had stated something about Arizona making probationers wait two years before they can reapply for their CS license. She stated in Utah if the probation period is half completed the Board could review the case to see the severity and maybe consider CS reinstatement at that time.

Ms. Bateman suggested a requirement for the probation to be half completed if the probationer is in compliance the Board could consider reinstatement of a CS.

Dr. Radmall commented it appears Dr. Coleman will be in Arizona on probation for five full years.

Ms. Taxin stated many States do not negotiate the time.

Dr. Radmall commented if Dr. Coleman is in the hospital he would have to get another practitioner

to write prescriptions for him.

Dr. Beyeler asked if Dr. Coleman would meet requirements for the diversion program.

Ms. Taxin responded no. She stated if there were no criminal charges he could call and ask about being accepted into the diversion program but his being on probation makes it so he would not meet the criteria. She stated diversion is a private program and if a practitioner was in a diversion program and unsuccessful the Board would not be aware unless the practitioner disclosed it.

2:30 pm

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Radmall conducted the interview.

Dr. Radmall informed Dr. Hemmert he is in compliance and has been for some time. He stated he read Dr. Hemmert's essay on the bike races and where he has been in the last three months. He voiced being impressed with Dr. Hemmert stating he has learned from his experiences and he does not have to be perfect in everything.

Dr. Hemmert responded he is trying to accept imperfection. He stated Dentists try to have the perfect margins but in life he can not control everything around him and can only control himself. He stated he is trying to do his best each day and trying to do what he needs to do to be happy.

Dr. Radmall asked Dr. Hemmert to explain the situation with his supervisor.

Dr. Hemmert responded his supervisor did not see much future for himself in Dr. Hemmert's office and will be moving to Kentucky.

Dr. Radmall stated Dr. John Peterson submitted his resume and letter to supervise Dr. Hemmert.

Dr. Hemmert responded yes. He stated Dr. Peterson will be working Fridays when he is also in the office.

Dr. Radmall voiced the Board's concern that Dr. Peterson is young and probably looks to Dr. Hemmert somewhat as a mentor. He stated Dr. Peterson would need to know where he stands in the supervisory relationship.

Dr. Hemmert responded he will provide the patients to Dr. Peterson but Dr. Peterson will be an independent contractor working on Fridays and not an employee. He stated he and Dr. Peterson have discussed the issues and if Dr. Peterson sees any issues he will step up and say something to Dr. Hemmert or he will need to have someone else supervise. He stated the other option is not to have anyone there and to get someone to come in. He stated Dr. Peterson will be with his staff and be able to review the charts, etc.

Dr. Radmall stated Dr. Hemmert and Dr. Peterson need to understand the relationship and that Dr. Peterson is the mentor/supervisor to assist Dr. Hemmert through the probation process. He stated Dr. Peterson will need to contact Ms. Taxin for her to explain the expectations. He asked when Dr. Peterson is scheduled to start.

Dr. Hemmert responded they have discussed Dr. Peterson starting about July 1 but by July 8 for sure.

Dr. Radmall asked if they have discussed prescribing CS's.

Dr. Hemmert responded yes.

Ms. Taxin asked if Dr. Peterson will be reviewing the patient cases before he prescribes.

Dr. Hemmert responded yes.

Dr. Radmall asked how he handles the situation if a walk in needs a prescription.

Dr. Hemmert responded he would contact Dr. Peterson by telephone as that is how he does it at the hospital. He stated it would be ideal if he had his own CS but this is the best he can do right now.

Ms. Taxin reminded Dr. Hemmert that in order to prescribe a CS, Dr. Peterson has to evaluate the patient. She stated he is restricted and that does not mean he should find alternatives to go around the restriction when patients require CS's as that could cause him more problems. She stated someone else cannot write CS's for him. She advised him to be very careful on how someone else prescribes for his patients.

Dr. Radmall explained the Board needs to be sure everything is clear. He recommended Dr. Hemmert be careful if Dr. Peterson is an independent contractor working on Dr. Hemmert's patients on Fridays.

Dr. Taylor also cautioned Dr. Hemmert to be sure the one prescribing is the one to sign the insurance paperwork.

Dr. Hemmert thanked the Board for their comments and stated he has a good contract with Dr. Peterson that was written by an attorney.

Ms. Taxin suggested Dr. Hemmert be sure in the transition that if he does the service he gets paid for it and if Dr. Peterson does the service that he gets paid for it.

Ms. Sliwinski asked where Dr. Hemmert will be on Fridays.

Dr. Hemmert responded he will doing administrative work, working at the hospital and doing general Dentistry on children.

Ms. Taxin stated Dr. Hemmert has done well on his probation. She asked him to discuss his sobriety and update the Board regarding Hazelden.

Dr. Hemmert responded Hazelden has a great aftercare program. He stated the assignments are completed over the internet and he will complete module 7 in September. He stated it typically takes eight months to complete the modules and when module 7 is completed he will no longer have a coach. He stated

they have met once a week for almost a year and then they will move to meeting less frequently. He stated there are underlying things that go along with addiction and he has noticed huge changes in how he approaches each day, how he talks to people, and when faced with stress or anxiety he now has tools to work with. He stated spirituality is important for an addict to find a higher power to believe in, to help keep them grounded in life. Dr. Hemmert stated he has been through hell and went to places he never thought he would go. He stated Hazelden has been a great to help him find who he is. He stated he is not sure he would have the appreciation he has if he had not gone through Hazelden. Dr. Hemmert stated he will never be cured but now has a life long process which will he will always need to work on. He stated he is far enough in his treatment that he feels good. He stated he was so overwhelmed and stressed at first but is now healing.

Dr. Hemmert reminded the Board that they agreed to address the CS issue at this meeting. He stated he has been in compliance and will continue to be compliant but can see he was a bit naive to request the CS back at his first appointment.

Ms. Taxin stated the Board talked a little about the CS issue prior to Dr. Hemmert's appointment. She stated some Board members are absent today and would like them to be a part of the discussion. She stated she has talked with other States and many do not consider reinstatement of the CS for at least two years into the probation period and some States do not reinstate the CS until after the probation is complete. Ms. Taxin stated she would be more comfortable if Dr. Peterson supervised for a time and then wrote a letter saying Dr. Hemmert has addressed the concerns in the Order and that he feels comfortable supervising Dr. Hemmert prescribing CS's.

Dr. Hemmert stated he will ask for a recommendation.

Ms. Taxin stated if Dr. Peterson cannot write a recommendation that Dr. Hemmert is safe to practice then Dr. Hemmert's therapist, Mr. Olsen,

could write a letter with a recommendation. She stated September is just short of the half way point of Dr. Hemmert's probation and the Board could agree to issue the license if a letter with a recommendation is received and he is still in compliance.

The Board concurred with Ms. Taxin.

Dr. Hemmert stated he knows he abused the CS privilege but he never had CS's in his office to administer. He stated today was his 51st drug test and he has never tested positive on these tests. He stated this is serious to him and he does not take it lightly. Dr. Hemmert stated having gone through this experience he understands addiction and is able to better treat his patients and would be a much better prescriber than he was before. He stated Dr. Perrero has changed his practice based on Dr. Hemmert's experience. Dr. Hemmert stated he will contact Michael Olsen for a letter.

Ms. Taxin stated this is a good time for the discussion as Dr. Hemmert is getting a new supervisor. She stated there are Dentists who practice without prescribing at all but she and the Board understand it would be helpful to him to have the CS license. Ms. Taxin stated Dr. Hemmert's Order will not allow him to order or dispense out of his office. She stated if the Board recommended reinstatement of the CS license Dr. Hemmert would need to write all prescriptions in triplicate with one copy for the file, one copy for the patient and submit one copy for Board review.

Dr. Hemmert stated all prescriptions are called in as charts are computerized.

Ms. Taxin stated he will need to print out the prescriptions and neither he nor his staff would be allowed to call in any. She stated he should also keep a log of each one printed. Ms. Taxin stated he would be required to submit the printouts monthly. Ms. Taxin read the CS requirements and stated she does not believe Dr. Hemmert's Order needs to be amended. She requested Dr. Hemmert to have Dr.

Peterson call her before he starts supervision for her to review the Board expectations and for her to review the CS prescriptions requirements when his CS is reinstated. Ms. Taxin then stated Dr. Hemmert will need to separate the hospital prescriptions from his office prescriptions once the CS license is issued. She stated she and the Board appreciate Dr. Hemmert taking responsibility and being in compliance with his Order.

Dr. Hemmert responded he is back on the insurance panel for Delta Dental. He stated it was due to his persistence and letters from Ms. Taxin, his supervisor and hospital that brought about acceptance from Delta Dental.

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

An appointment was made for Dr. Hemmert to meet again September 15, 2011.

DISCUSSION ITEMS:

Statute Changes

Ms. Taxin briefly covered the following Statutes that passed in the 2011 Legislature which affect the Dentists and Dental Hygienists.

- HB 23 – Adding SPICE and bath salts as CS's.
- HB 171 – Requiring all MD's who do abortions to disclose they offer the services and where. The Health Department monitors.
- HB 223 – Provides Board members to continue serving for up to six months until a replacement has been appointed.
- HB 328 – Defines the State government work week.
- HB 61 – Requiring all prescribers of CS's to complete four hours of CE on controlled substances to renew their license.

Ms. Taxin stated she assisted the Division with developing a tutorial and examination for HB28 from the 2010 Legislative. Ms. Taxin stated the requirement will be implemented January 2011.

Dr. Taylor asked if the DOPL database class is

mandatory.

Ms. Taxin responded no. She stated practitioners may count the hours as part of their required 30 CE hours.

Ms. Taxin stated HB 61 the UMA wrote the language and the Division will work with the UMA and other Associations to develop criteria for the CE requirements. She stated Federally they are looking to a national standard due to overdose deaths and over prescribing.

Mr. Thompson volunteered the assistance of Association Board members if needed to help in reviewing what has been developed for HB 61. He stated Tom Harper has been offering the course around the State and the Association is pushing for the course to be mandatory. He stated there were Dentists, Pharmacists, Physicians and Nurses in the room when he attended.

Ms. Taxin stated there is also the following:

- SB 134 – This outlines healthcare and provider advertising.

She stated after the practitioners name they would have to designate their credentials, i.e.: DO, MD, DDS, DMD, etc. She stated maybe the information should be in the UDA newsletter for clarification. She reminded the Board there is no requirement in Utah to be credentialed as a diplomate.

Rules – Maintaining Patient Records as per R156-69-502(11)

Ms. Taxin explained that she receives questions regarding how long a practitioner should retain patient records. She stated she believes malpractice requires retaining for up to ten years. She stated there is also a Law which requires records to be retained for ten years after the patient turns 21 but R156-69-502-(11) requires records to be retained for seven years.

Mr. Thomson commented he does not believe the Professional Insurance Exchange (PIE) recommends ten years for Dentists.

Dr. Beyeler asked what a person does if the records have been destroyed.

Advertising Example

Dr. Mantyla responded it is difficult when records are destroyed.

Ms. Taxin reminded the Board of the new change in the Law regarding advertising and stated if practitioners do not change inappropriate advertisements they could be sanctioned. She showed an advertisement she found and asked the Board if they would think the practitioner was a Dentist or a Physician.

Ms. Bateman responded she would think it was a Dentist who had completed additional education.

Other Board members responded they would think it was a qualified Dentist.

Following the discussion it was decided the Dentist would be contacted and requested to amend his advertisement to better reflect his credentials.

Update on Dr. Tad Butterfield

Ms. Taxin informed the Board of the passing of Dr. Butterfield.

Board members voiced their sorrow.

CORRESPONDENCE:

Review Dr. Jeff Erickson's Dental Assistant Radiology Program

Ms. Bateman reviewed the information and determined it meets the criteria set forth in the Rules.

The Board concurred.

National Dental Board Failing to Release Information to State Boards & Federal Government When Requested

Mr. Thompson volunteered to contact the National Dental Board regarding releasing scores when requested.

Beth Cole, WREB Chief Executive Officer, Letter Offering to Meet With the Board

The board determined they will contact Ms. Cole to meet later in the year.

Dr. Brian Kennedy, ADA Chair, Letter regarding ADA Recommendation to License by Specialty

The Board reviewed the information. **No Board action was taken.**

Dr. Raymond F. Gist, ADA President, Letter regarding Acceptance of CME Courses For

Mr. Thompson took the information to review.

Continuing Dental Education Requirements

DANB Dental Assistant Preventive Duties
Certification Information

The Board reviewed the information. **No Board action was taken.**

ADA delegates Resolutions

The Board reviewed the information. **No Board action was taken.**

ADA Specialty Information to Pass Dental
Examination

Ms. Taxin read the letter regarding licensing by specialty. She stated Utah licenses by credentials as a Dentist.

The Board agreed with Ms. Taxin.

Assignments

Ms. Taxin gave Board members the following assignments:

1. Review and be prepared to discuss standards for lifting the suspension on controlled substance licenses.
2. Review R156-69-102(15)(a), (b), (c) and (d) definitions.

Mr. Thompson stated the Board needs to clarify the language of the Dental classifications.

Dr. Mantyla asked if sedating by injecting Demerol requires a Class III Dentist license.

Ms. Taxin stated her understanding is the Class I does local anesthesia only, Class II does Nitrous Oxide, Class III does IM injections for moderate sedation and Class IV does deep sedation.

Ms. Taxin stated she does not believe the public is protected when the Law and Rule are not clear. She requested the Board to also review the Law with the Rule to be sure they are consistent.

Mr. Thompson stated there are a couple of Dentists who have served on the DOCS Board who would be a good resource for clarifying. He stated Ms. Taxin and/or Board members may contact him for their contact information.

NEXT MEETING SCHEDULED FOR:

September 15, 2011

ADJOURN:

The time is 4:37 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 15, 2011
Date Approved

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

August 4, 2011
Date Approved

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