

**Awaiting Formal Approval
MINUTES**

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

June 6, 2013

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

CONVENED: 9:05 A.M.

ADJOURNED: 4:53 P.M.

Bureau Manager:

Noël Taxin

Board Secretary:

Karen McCall

Compliance Assistant:

Debbie Harry

Board Members Present:

Rich S. Radmall, DDS, Chairperson

Mark R. Taylor, DDS

Constance A. Sliwinski, RDH

Greg T. Beyeler, DDS

Pamela L. Jolley

Leonard R. Aste, DDS

Board Members Absent and Excused:

Melinda L. Reich, RDH

Todd C. Liston, DDS

Warren Woolsey, DDS

Guests:

Heather Fralick

Kenzie Tullis

Maryann Aiderzada

Ashley Nobles

McCall Dutson

Mady Salomone

Jenn Sanbei

McKell Norman

Joleen VanBibber

Patrice Morley

Dr. Kim Michelson

Jessica Heins

Rosa Arrizv

Monte Thompson, UDA

Ryan Dahle

Evealynn Harriss
Bobi Merritt
Kathy Harris, UDHA
Nikkie Bergstrom
Kelly Livingston
Britney Sorensen
Kedy shen
Hayley Nigbur
Lindsey Townsend
Kare Kellogg

DOPL Staff Present:

Mitchell Jones, Assistant Attorney General
John Sims, Investigator

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 7, 2013 Board meeting were read.

Ms. Jolley made a motion to approve the minute with minor revisions. Dr. Aste seconded the motion. **The Board vote was unanimous.**

FYI

Dr. Steven Steed, Health Department Dental Program Director, informed the Board that he is retiring and Dr. Kim Michelson will take over as the Director. Dr. Steed than introduced Dr. Michelson.

APPOINTMENTS:

9:15 am

Dr. Leonard R. Aste, DDS, Remarks

Dr. Aste informed the Board of the trend for patients to see holistic Dentists. He stated some patients expectations are not being met and there is concern regarding the costs. He stated some holistic Dentists are pushing amalgam removal which can involve extensive procedures and that the ADA Code states it is unethical to suggest removal for health reasons. Dr. Aste stated that some holistic Dentists are also performing cavitation treatments. Dr. Aste stated most of these procedures are not covered by insurance so it is mostly a cash business. He stated he would be willing to discuss these subjects further or answer any

questions.

The Board thanked him for the information.

9:35 am

Debie Harry, Compliance Update
Noël Taxin, Compliance Update

Ms. Harry and Ms. Taxin reported the following
Dentists are in compliance or out of compliance with
their Stipulations and Orders:

- Dr. Jared W. Hemmert

Dr. Hemmert is out of compliance as he tested positive
for marijuana and his therapist and supervisor have
voiced concerns.

- Dr. David M. Anderson

Dr. Anderson is in compliance.

Ms. Taxin reported he has maintained his sobriety but
has been charged with civil action by the DEA for his
initial violation.

- Dr. Louis R. Christensen

Dr. Christensen is in compliance.

- Dr. B. John Dingman

Dr. Dingman is out of compliance as his supervisor
and therapy reports were not received by the due date
of the 28th of each month. Dr. Dingman completed
one CE course in April and will complete the PBI
record keeping course in July.

- Dr. Jeremy L. Thompson

Dr. Thompson is in compliance. Ms. Taxin tentatively
pre-approved the White Cap course until the Board
could meet to review the syllabus and give final
approval. After completing the required course he will
need to submit an essay regarding how he will
incorporate the information into his practice.

**Ms. Taxin stated Dr. Thompson will bring the
syllabus for the Board to review. She stated Dr.
Koerner is an excellent supervisor and reports
what they are working on and how Dr. Thompson
is improving.**

- Dr. David O. Hendrickson

Dr. Hendrickson is out of compliance. He has worked this last quarter without an approved supervisor. On June 4, 2013, he did submit a request for Dr. Aaron Ward to be his supervisor. Dr. Hendrickson has not written any CS prescriptions but it appears Dr. R. Thane Hales has prescribed for him. There have been no prescription logs or triplicate prescriptions submitted. He submitted a note which indicates his Federal probation has been terminated but the Board will need to clarify and will need to ask about his plan for the required 15 free Dental services.

Ms. Taxin stated after the last meeting Dr. Hendrickson requested Ms. Troxel to outline everything he is suppose to do. She stated she called him and informed him that he needs to read his Order and complete the conditions. She stated he was going to interview someone who might join his practice and was to submit information to the Division but has not. She stated he then called regarding some patients who needed services right now and asked if Dr. Hales could write prescriptions for him. She stated she informed him Dr. Hales could write prescriptions for those patients if it was an emergency and Dr. Hales saw the patients to determine if prescribing is appropriate. Ms. Taxin stated Dr. Hendrickson provided a practice plan for the Board to review and approve if appropriate. She stated he submitted a request for Dr. Ward to supervise as his office is just across the hall. She stated if the Board approves Dr. Ward then he will need to meet with the Board in September. She stated the Board will need to ask if he is writing prescriptions for legend drugs and submit a log if he is.

Dr. Beyeler asked if Dr. Hales needs to note in the chart and the log if he prescribes for Dr. Hendrickson's patients.

Ms. Taxin responded yes.

- Dr. Chris Neilson

Dr. Neilson is in compliance. He attended Pine Grove and the evaluation will need to be reviewed and

discussed. He is in therapy with Dr. Tim Kockler, he has submitted the log for drugs administered and plans to complete the PACE course but the Board will need to ask the date he will take the PACE course.

- **Dr. S. Dale Hibbert**

Dr. Hibbert is out of compliance as he missed five drug test calls. A letter was received from Stephanie at Donated Dental confirming Dr. Hibbert completed the hours the Board requested. He submitted a proposed practice plan and a proposed supervisor for the Board to review. He will be requesting his controlled substance (CS) license but does not have a DEA registration at this time.

10:15 am

Dr. Jared W. Hemmert, Probationary
Interview, and Dr. Alex Bankhead, Supervisor

Ms. Taxin stated the Board was given the probation file to review. She stated Dr. Hemmert's case has been very complex and overwhelming as there have been a variety of incidents which have occurred since September 2012. She requested the meeting be closed to discuss his mental status.

9:40 am – Close Meeting

Ms. Sliwinski made a motion to close the meeting to discuss the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a)). Dr. Taylor seconded the motion. The Board vote was unanimous.

10:25 am – Reopen Meeting

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

Dr. Hemmert and Dr. Alex Bankhead, his supervisor, met.

Board members and Division staff were introduced.

Dr. Radmall conducted the interview.

Dr. Hemmert reported he has been very busy with

work, has a good rapport with staff and patients, his March recovery presentation went well and was a huge accomplishment in his recovery. He stated Dr. Bankhead has been the best supervisor he has had. He reported attending his 10 year class reunion in May in Toronto, Canada.

Ms. Taxin commented Dr. Hemmert tested positive for marijuana after his reunion. She then requested Dr. Bankhead to address Dr. Hemmert's performance and any issues he has had in his review.

Dr. Bankhead reported he has made two office visits as he just came on board as Dr. Hemmert's supervisor. He stated he was impressed with Dr. Hemmert's record keeping and has not seen any attempt to cover up anything, to be deceitful and believes Dr. Hemmert is practicing good Dentistry. He stated he did sense that Dr. Hemmert's staff may be intimidated by him. He stated he speaks or texts Dr. Hemmert every day.

Dr. Radmall asked if Dr. Bankhead has talked with the staff or anyone individually.

Dr. Bankhead responded no. He stated he has just observed.

Dr. Beyeler asked what relationship Dr. Bankhead has had with Dr. Hemmert prior to supervising.

Dr. Bankhead responded Dr. Hemmert has referred a few patients to him, he only knows him from cycling, the gym and the study club.

10:34 am – Reclose the Meeting

Ms. Sliwinski made a motion to reclose the meeting to discuss the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a)). Dr. Taylor seconded the motion. The Board vote was unanimous.

11:20 am – Reopen the meeting

Dr. Aste made a motion to reopen the meeting. Dr. Beyeler seconded the motion. The Board vote was

unanimous.

During the closed session Dr. Hemmert agreed to go to Pine Grove Behavioral Health for complete comprehensive evaluations which will include a psychological, substance abuse evaluations and any other evaluations deemed necessary by the evaluators. He will be required to get a fitness for duty letter stating he is safe to practice or his license will be suspended. He will follow all recommendations. Ms. Taxin agreed to assist him in the process. He agreed to call Ms. Taxin on Monday to coordinate and discuss his steps.

Ms. Taxin encouraged Dr. Hemmert to continue to see his therapist, Mike Olsen, continue to be supervised by Dr. Bankhead, attend his AA meetings and complete the evaluations with Pine Grove as soon as possible but prior to the September 5, 2013, Board meeting.

Dr. Hemmert is out of compliance today.

An appointment was made for Dr. Hemmert to meet again September 5, 2013.

10:45 am

Dr. David M. Anderson, Probationary
Interview

Ms. Sliwinski conducted the interview.

Dr. Anderson reported he has continued to be active in his recovery groups and enjoys trying to be a support for others. He stated he has had no thoughts or cravings to relapse and use, and his criminal charge should be dismissed today. He requested a letter of compliance to be sent to the insurance carriers. Dr. Anderson voiced disappointment with the DEA notifying him of civil charges and fines but has legal counsel helping him with the DEA. Dr. Anderson voiced interest in obtaining his controlled substance (CS) license if he is able to work out the DEA issues. He stated in his past stress was his trigger but he has been able to deal with the stress. He stated he meets with Dr. Flint about every two weeks and Dr. Flint reviews the charts. He stated his partner sees the patients, evaluates and prescribes CS's to patients.

Ms. Taxin responded she contacted the DEA who said they would not consider an application at this time due to a civil suit. She stated once he has the civil suit resolved he should find out if the DEA will consider an application for him to contact her and submit the CS application for review.

Following additional discussion, Dr. Aste made a motion to accept Dr. Anderson's CS application contingent up the DEA agreeing to consider issuing a DEA registration. The motion was based on Dr. Anderson's consistent compliance with his Stipulation and Order and maintaining his sobriety for two and a half (2 1/2) years and being able to monitor while Dr. Anderson is prescribing while he is on probation.

Dr. Beyeler seconded the motion.

The Board vote was unanimous.

Ms. Taxin stated the amended Order will have conditions to ensure compliance and sobriety, ie;

- 1. When he administers a CS, someone would be required to be present;**
- 2. Dr. Anderson will account on a prescription log for the prescriptions;**
- 3. He will log who was present during the administration;**
- 4. He will write triplicate prescriptions and submit a copy to the Division.**

She suggested Dr. Brown meet telephonically with the Board at the September 5, 2013, Board meeting.

Dr. Anderson thanked the Board. He then stated Dr. Brown would pull the medications to be administered.

Dr. Beyeler commented Dr. Anderson has come a long way since his first appointment with the Board.

Dr. Anderson is in compliance.

An appointment was made for Dr. Anderson to meet again September 5, 2013.

10:55 am

Dr. Louis Christensen, Probationary Interview

Dr. Aste conducted the interview.

Dr. Christensen reported he is doing well in his recovery, is working Mondays and Tuesdays in general Dentistry. He stated he has not relapsed in his recovery, he attends meetings once or twice a week, meets with his supervisor every week and still goes to therapy once in awhile. He stated he finds it different to be an employee vs. being the employer. He stated he has attended a study group infrequently but has registered and will attend the University of Utah substance abuse program this summer. He stated he will also be going to Europe the end of September and he asked what he should do about the daily drug testing calls.

Ms. Harry requested Dr. Christensen to fax her hard copies of all prescription medications he is currently taking. She stated when he goes to Europe he should go online and mark interruption in testing for the dates he will be gone and she will approve the missed the tests for those dates.

Dr. Christensen is in compliance.

An appointment was made for Dr. Christensen to meet again September 5, 2013.

11:10 am to 11:20 am

BREAK

11:20 am

Dr. B. John Dingman, Probationary Interview

Dr. Aste conducted the interview.

Dr. Dingman reported he has done well professionally and personally. He stated he completed the required prescribing course which was a small, intimate group with a lot of discussion with the panel members. He stated he learned proper record keeping and how to protect himself as many practitioners lean toward patients emotionally and can not do that.

Ms. Taxin reminded Dr. Dingman that he will need to write an essay after he completes the record keeping course.

Dr. Aste informed Dr. Dingman that he is out of compliance as his reports were due monthly and were not received.

Dr. Dingman responded his Order requires monthly reports for six months and then automatically the due date moves to quarterly.

Ms. Taxin explained the supervision and therapy reports need to be submitted monthly for six months and then Dr. Dingman needs to request the frequency move to quarterly for the Board to consider. She stated the Board will need to determine if they want the monthly reports to continue or move to quarterly. She stated the supervision reports were not received until December, then jumped to March and yesterday she received three supervision reports but the therapy reports have not been received.

Dr. Dingman responded he believes he misunderstood the process. He stated his therapist sent a report stating he did not need further therapy.

Ms. Taxin read the Betty Ford evaluation report to the Board and stated the evaluation recommended weekly marital therapy as they had concerns and the therapist report documents monthly sessions. She stated Dr. Dingman needs to follow through with therapy but monthly therapy should be sufficient. She stated if Patricia Lindsay, Ph.D., Clinical Psychologist, is of the opinion that therapy could/should be terminated then the report should address the Betty Ford evaluation and frequency of therapy in addition to her own reasons for discontinuing therapy after such a short period with her recommendation of termination. Ms. Taxin stated Dr. Taylor, the individual therapist, did report Dr. Dingman has been stable. She stated the Board could recommend continuing with monthly reports until the next Board meeting or

could recommend quarterly reports.

Dr. Dingman thanked Ms. Taxin for the information and reported he has maintained his sobriety with no cravings. He stated his sponsor works on the floor below him and they see each other frequently. Dr. Dingman stated he meets with his supervisor every 2 weeks but they communicate more frequently. He stated he believes the civil law suit with the DEA will be settled.

Dr. Radmall made a motion for the reports to continue monthly until the September 5, 2013, Board meeting and then the Board could consider quarterly reports if Dr. Dingman is in compliance with his Order.

Dr. Taylor seconded the motion.

The Board vote was unanimous.

Dr. Dingman is out of compliance based on not submitting the monthly reports that are due.

An appointment was made for Dr. Dingman to meet again September 5, 2013.

11:40 am

Dr. Jeremy L. Thompson, Probationary
Interview

Dr. Beyeler conducted the interview.

Dr. Thompson reported learning from his supervisor.

Dr. Beyeler stated Dr. Thompson's supervisor stated he is impressed with how Dr. Thompson is doing and has seen improvement.

Ms. Taxin stated the supervisor also identified deficiencies and reported they have been discussed and Dr. Thompson is working on them. She thanked Dr. Thompson for taking responsibility and working on his issues.

Dr. Thompson stated he has completed the Master ADE course through White Cap and would like the Board to review the syllabus for next White Cap

implant course he would like to take.

Following the Board review, Dr. Beyeler made a motion to approve the course to meet the CE requirement of the Order.

Dr. Taylor seconded the motion.

The Board vote was unanimous.

Dr. Beyeler reminded Dr. Thompson to write an essay after he completes the course and include what he learned and how he will incorporate the information into his practice.

Dr. Thompson is in compliance.

An appointment was made for Dr. Thompson to meet again September 5, 2013.

Dr. Thompson asked if his reports could move from monthly to quarterly.

Dr. Taylor made a motion to move the reports from being monthly to quarterly unless the supervisor prefers monthly.

Ms. Jolley seconded the motion.

The Board vote was unanimous.

12:00 pm to 1:00 pm

WORKING LUNCH

12:35 pm

Dr. Chris Neilson Evaluation Review.

12:35 pm – Close Meeting

Dr. Beyeler made a motion to close the meeting for the Board to review and discuss Dr. Neilson's Pine Grove evaluation. Dr. Aste seconded the motion. The Board vote was unanimous.

1:13 pm – Reopen Meeting.

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

1:00 pm

Dr. David O. Hendrickson, Probationary
Interview, and Proposed Supervisor

**Dr. Hendrickson did not appear for his
appointment.**

1:30 pm

Dr. Chris Neilson, Probationary Interview

Ms. Sliwinski conducted the interview.

Dr. Neilson reported he completed the Pine Grove evaluation and had a much better experience than when he went to Hazelden. He stated the staff were better quality, treated him pleasantly and did more delving into concerns in his situation. He stated important issues were brought to light and they counseled him more than Hazelden did. He stated he learned he needed to put in place more structure in his office and practice even though he has brought his wife in to manage. Dr. Neilson stated he is also seeing Dr. Tim Kockler, Ph.D., for therapy and they are working on the problems that had to do with the loss of his wife and son by suggesting tools to help him be a better parent and to help his children deal better with their issues and they have been doing a lot of assessing on what his needs are. He stated Dr. Wagner, his supervisor, has given him good feedback and he now has a security code on the nitrous and only one front desk staff person knows the code, however, he knows half the code and another office staff knows the other half so he cannot use it without someone else's assistance. He stated he sends patients over to Dr. Wagner if they require CS drugs to be prescribed and he only prescribes Ibuprofen after doing root canals. Dr. Neilson stated he is scheduled to take the PACE course in October. He stated he has had to do some restructuring of his finances as he has been dropped from some insurance panels. He stated he has been able to maintain his sobriety since May 2012.

1:30 pm – Close Meeting

Dr. Taylor made a motion to close the meeting for the Board to discuss Dr. Neilson's Pine Grove evaluation. Ms. Jolley seconded the motion. The Board vote was unanimous

1:50 pm – Reopen Meeting

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

The Board asked Dr. Neilson to request Dr. Kockler to include more details in his reports and ask Dr. Wagner to spend more time in Dr. Neilson's office to observe office procedures, meet with staff and to include more details in his reports.

Dr. Neilson is in compliance.

An appointment was made for Dr. Neilson to meet again September 5, 2013.

2:30 pm

Dr. David O. Hendrickson, Probationary Interview, and Aaron Ward, Proposed Supervisor

Dr. Hendrickson arrived late for his appointment.

Dr. Radmall conducted the interview.

Dr. Radmall informed Dr. Hendrickson that he is out of compliance with his Order due to his working the last three months without an approved supervisor, and no reports submitted as required by his Order.

Dr. Hendrickson responded he is in the process of being compliant as he tried for several months unsuccessfully to contact Ms. Troxel. He stated he did submit the name of Dr. Chamberlain who was going to work with him but the situation did not work out so he recently submitted the name of Dr. Aaron Ward who was unable to meet today.

Ms. Taxin responded Dr. Hendrickson also called Ms. Troxel and requested she write out a list of the items he is to complete and Ms. Taxin stated she called him back and told him he needs to review his Order which lists the conditions. She stated she spoke with Dr. Hendrickson who voiced understanding his Order conditions but has not follow through. She stated Dr. Ward meets qualifications to supervise and will need to meet with the Board on September 5, 2013. She asked Dr. Hendrickson to have Dr. Ward call her so she can review the supervision conditions of the Order,

the required reports and the expectations of the Board/Division. Ms. Taxin stated Dr. Hendrickson will need to accept feedback and follow direction from Dr. Ward.

Dr. Hendrickson voiced understanding and agreed to contact Dr. Ward. He stated Dr. Ward rents space in the same building but they are not friends but Dr. Ward has read the Order and wrote a letter to the Board.

Dr. Radmall asked Dr. Hendrickson to explain how Dr. Hales prescribed for his patients. He also requested an explanation regarding the criminal probation, termination and fines.

Dr. Hendrickson responded Dr. Hales saw the patients and either called in the prescriptions or came into the office and wrote them. He explained he received a letter which states the criminal issues have been put on hold for now and it suggests they may still pursue it later but he is no longer required to meet with the probation officer. He stated he is still making monthly payments for the fines. Dr. Hendrickson stated the investigation officer recommended he have a file on each person he administers to and he has done that.

Ms. Taxin informed Dr. Hendrickson that he will need to maintain a log for any legend drugs he writes and he is required to submit that log monthly for the Board to review.

Dr. Hendrickson submitted a copy of his legend drug log and stated he has prescribed Tramadol.

Ms. Taxin informed him that as of May 2013, Tramadol is a schedule 5 CS drug and he can no longer prescribe it for patients until he has a CS license.

Dr. Aste reviewed the log and commented the quantities appear to be more appropriate than what the Board reviewed on the charts at the last meeting.

Dr. Hendrickson asked how he should handle Dr. Ward seeing his patients and prescribing, if Dr. Ward uses his own prescription pads or if he should use Dr. Hendrickson's.

Ms. Taxin responded Dr. Ward should assess the patient, use his own prescription and needs to put the information in the patient charts.

Dr. Radmall requested a separate log for Dr. Ward's prescriptions that he writes.

The Board stated he should only have one doctor writing prescriptions for his patients.

Dr. Radmall asked what Dr. Hendrickson's plan is for completing the required 15 free dental services.

Dr. Hendrickson asked if he could assist Dr. Starley or if doing services on his own patients who cannot afford the services would count.

Following discussion it was determined there is not much Dr. Hendrickson could do to assist another Dentist and it was recommended he contact his clergy regarding doing some dental work for missionaries who cannot afford the work, contact Donated Dental in Salt Lake, or Mid-Town Clinic in Ogden or contact Dr. James Glen at the Bountiful Food Center/Bank as these places have a real need for Dental care.

Ms. Taxin recommended Dr. Hendrickson make a plan in advance and then contact the agency as the services need to be significant services. She stated if Dr. Glenn refers potential patients then Dr. Hendrickson will not need pre-approval from the Board/Division and he would not need to bring the patient file for review but he will need to give a report on the patients and a letter from the referring program and Dentist verifying the information. Ms. Taxin then asked if Dr. Hendrickson has addressed the concerns the Board/Division discussed about his family.

Dr. Hendrickson thanked the Board and guests for their recommendations and stated he has addressed the concerns and no longer prescribes anything to his family.

Dr. Radmall informed Dr. Hendrickson that his paperwork is due by the 28th of each month.

Dr. Hendrickson is out of compliance due to continuing to work without an approved supervisor and lack of paperwork.

An appointment was made for Dr. Hendrickson to meet again September 5, 2013.

Recused from Meeting

Ms. Taxin, Dr. Beyeler and Dr. Aste recused themselves from Dr. S. Dale Hibbert's interview based on a possible conflict of interest. Rich Oborn acted as Bureau Manager for Dr. Hibbert's interview.

The Board noted there will not be a quorum during Dr. Hibbert's appointment and anything requiring a vote will need to be deferred to the September meeting for a quorum to be present.

1:50 pm

Dr. S. Dale Hibbert, Probationary Interview,
Alan Christensen, Proposed Supervisor

Dr. Radmall conducted the interview.

Board members and Division staff were introduced.

Dr. Radmall stated Dr. Hibbert completed his hours at Donated Dental but is out of compliance today as he has missed calling in five times this quarter.

Dr. Hibbert responded he did not know he was out of compliance but he did shorten his work days as he has had back pain from doing yard work. He explained he had planned to be out of the country on vacation and received permission to be excused from calling daily that week but his travel plans fell through and he did not call back with the information. He stated Ms. Troxel had contacted Stephanie at Donated Dental who contacted him. He stated the last few days he was not excused but did not call in as he enjoyed not

needing to call for a few days.

Dr. Radmall requested Dr. Hibbert to review the CS report which documents he prescribed to three different people in March and April. He explained if Dr. Hibbert has not prescribed for these people then he will need to contact the Pharmacies to correct their errors.

Dr. Hibbert reviewed the list and stated they are not his patients and he did not prescribe to these people. He voiced understanding he will need to contact the Pharmacies to correct their errors.

Dr. Radmall welcomed Dr. Christensen. He requested him to give a short introduction and explain his relationship with Dr. Hibbert.

Dr. Christensen responded he was Dr. Hibbert's supervisor about 30 years ago and is not necessarily a fan of Dr. Hibbert. He stated he is aware Dr. Hibbert has made stupid choices but he is willing to help him get back on track. He stated he will be strict with Dr. Hibbert. Dr. Christensen stated they are not related and not friends but did do a humanitarian trip together. He stated he is retired but has retained an active license. He stated he believes he can supervise objectively.

Dr. Radmall informed Dr. Christensen of the required monthly reports, will need to go into Dr. Hibbert's office and observe, talk with his staff, look at his charts for proper treatment and proper record keeping.

Dr. Christensen voiced understanding the supervision requirements and expectations.

Dr. Radmall asked Dr. Hibert what his plan will be if he needs to prescribe.

Dr. Hibbert responded there are other Dentists who work in that office and he will request one of them to see his patients and write prescriptions for him if necessary.

Dr. Radmall stated if Dr. Christensen tells Dr. Hibbert he needs to go home, then Dr. Hibbert will need to leave.

Mr. Oborn informed Dr. Hibbert and Dr. Christensen that there is not a quorum today so Dr. Christensen will be conditionally approved until the next meet when there is a quorum to fully approve.

Dr. Radmall asked if Dr. Hibbert's first name is Sherman.

Dr. Hibbert responded yes.

Mr. Radmall commented he received information in regard to Sherman Hibbert. He stated he will need to do additional research and then will contact Dr. Hibbert.

Dr. Hibbert stated he is interested in obtaining his CS and DEA to be able to prescribe again. He stated he has also been drug testing for three plus years and has never had a positive test. He requested the tests be less frequent and he believes his testing frequency was increased recently as he did not submit documentation of a prescription within the required 48 hours after he had his surgery.

Mr. Oborn responded when probationers are in compliance the Board/Division are able work with them but when they are consistently out of compliance the Board/Division are not as willing to reduce probation conditions. He stated Dr. Hibbert's reasons for failing to make the required daily phone calls show a continued pattern which is a concern. Mr. Oborn stated Dr. Hibbert has completed his Donated Dental hours and can now go into paid practice. He recommended Dr. Hibbert continue working with Donated Dental as it is a worthy cause to help the public. He stated the Board will need to consider what to do if Dr. Hibbert continues to miss calling daily as the Board/Division cannot sit back forever. He stated

Dr. Hibbert should not be surprised if further disciplinary action is taken if he continues to miss calling daily for his drug and alcohol tests.

Dr. Hibbert is out of compliance.

An appointment was made for Dr. Hibbert to meet again September 5, 2013.

Ms. Taxin, Dr. Beyeler and Dr. Aste returned to the meeting.

DISCUSSION ITEMS:

Legislative Update

Ms. Taxin reviewed the following legislative Bills with the Board:
HB51, HB120, SB77, SB203, SB214, SB270

Electronic Prescribing

Ms. Taxin requested Board members to take the information on electronic prescribing and review it. She explained the DEA Rules only apply to those who prescribe CS's but the Utah Law applies to all prescriptions written. She stated this Law requires all prescribers to offer the option for an electronic prescription to patients. She stated an Osteopathic Physician Board member shared information of a free program through Practice Fusion.

Ms. VanBibber stated all records will need to be electronic after January 2014. She stated practitioners could also check with Dentrix as they are updating their software to be in compliance with the new Law.

Dental Botox

Ms. Taxin stated she received a telephone call regarding what had changed in the Utah Dental Practice Act and Rule as Allergan will no longer sell Botox to general Dentists but will still sell to oral and maxillofacial surgeons. She stated she explained Dentists may use Botox for dental purposes only and not for cosmetic purposes. Ms. Taxin stated she talked with Allergan who informed her that the FDA has approved Botox for the treatment of the glabella area only and any other use is off label use and Utah should be concerned as Utah Dentists may order from out of the country vendors and patients could be harmed.

She stated Allergan provided a statement for her to review with the Board. She read the Allergan statement. She asked if the Board would want additional discussion at a later Board meeting to clarify the Maxillofacial region.

Dr. Radmall responded he does not believe Utah should change the Law based on Allergon's letter.

Dr. Beyeler responded Botox works well for TMJ.

Ms. Taxin stated she asked about using Botox for TMJ conditions and the Allergan representative stated it would be off label use and Allergan will not sell Botox for anything that it is not FDA approved.

The Board recommended the Utah position not change at this time.

CE Anesthesia Course VS. Course Program for Dental Anesthesia Licensing and Review Sarah A. Kopta Anesthesia Letter as Course is Not ADA Accredited

Ms. Taxin explained Utah licensure for Dental Hygienists with local anesthesia requires an official letter from the anesthesia course director documenting successful completion of a program of training in the administration of local anesthetics accredited by the Commission on Dental Accreditation of the ADA. She stated the Dentists are also required to submit an official letter from their anesthesia course director certifying the amount and type of anesthesia training received and that the course conforms to the Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students published by the ADA. She read the Rule (for Dental Hygienists, R156-69-204, and for Dentists, R156-69-202) to the Board. Ms. Taxin stated applications have been received as of late documenting attending CE courses that meet the criteria but the courses are not accredited by the ADA. She stated she contacted Kristen Cowley, the Director of the Idaho State Dental Hygiene program, who informed her that the program is ADA accredited, the CE course is not accredited but the curriculum and instructors are the same. Ms. Taxin requested the information in writing but has not yet received a letter.

Ms. Taxin stated Sarah A. Kopta has submitted a

Dental Hygienist with local anesthesia application who has met the requirements for licensure but has taken the CE anesthesia course. She asked if the Board would accept the CE course for licensure.

Following additional discussion the Board recommended Ms. Kopta submit documentation from Idaho State University regarding the course being the same as the CE and issue the license if the documentation is equivalent as WREB accepted the course for the examination. The Board also recommended Dentist licenses be issued if additional documentation shows equivalency.

The Board further recommended Ms. Taxin draft Rule language for clarification for the Board to review at the September 5, 2013, Board meeting.

FYI

Ms. Taxin informed the Board that Dr. Benjamin L. Gilstrap defaulted on his Order to respond for a hearing resulting in his license being revoked.

General Discussion/Information

Ms. Taxin informed the Board that there will be additional probationers coming and the Board may need to meet more frequently.

Board members requested an email be sent with dates if additional meetings are necessary.

Dr. Radmall requested the Dental Board meetings be schedule for the first Thursday of the month for the 2014 schedule.

CORRESPONDENCE:

Raven Maria Blanco Foundation, Protecting Pediatric Dental Patients

Ms. Taxin distributed the Raven Maria Blanco Foundation program documentation and stated the purpose of the foundation is to reduce pediatric deaths and injuries but could apply to any Dental practice. She stated she was impressed with the program information.

The Board members took a copy of the packet.

FYI

The Board reviewed the 2013 DANB publication

packet.

No action was taken.

NEXT MEETING SCHEDULED FOR: September 5, 2013

ADJOURN: The time is 4:53 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.

Date Approved

Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

June 27, 2013
Date Approved

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