

MINUTES

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

March 6, 2014

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

CONVENED: 9:03 A.M.

ADJOURNED: 2:02 P.M.

Bureau Manager:
Board Secretary:
Compliance Assistant:

Ms. Taxin
Tammy Baker
Debbie Harry

Board Members Present:

Rich S. Radmall, DDS, Chairperson
Mark R. Taylor, DDS
Greg T. Beyeler, DDS
Leonard R. Aste, DDS
Melinda L. Reich, RDH
Todd C. Liston, DDS
Warren Woolsey, DDS
Constance A. Sliwinski, RDH
Patricia Rushton, Ph.D.

Board Members Absent and Excused:

Guests:

Mike Pitts
Kathy Harris, UDHA
Monte Thompson, UDA
Kim Michelson, State Dental Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the December 5, 2013 Board meeting were read.

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

APPOINTMENTS:

9:03 am to 9:30 am

Mike Pitts, Consumer Protection, Discussion on Fine Authority

Mr. Pitts, Investigator for Consumer Protection explained to the Board that Consumer Protection has the authority to fine providers that intentionally deceive the public. Mr. Pitts stated that if a supplier in connection with a consumer transaction violates the law whether it occurs before, during, or after the transaction or if the subject indicates the work is of a particular standard, quality, grade, style, or model. Each deceptive act can be penalized with a fine up to \$2500.00.

Dr. Woolsey asked if there is an investigation or will the fine just be applied.

Mr. Pitts stated yes, there will be an investigation before fines are assessed.

Mr. Pitts stated that bait advertising and misrepresentation is against the law and when that is reported, that is when Consumer Protection will become involved. He provided the Board with a copy of the law *13-11-4. Deceptive act or practice by supplier*, and rule *R152-11. Utah Consumer Sales Practices Act*.

The Board thanked Mr. Pitts for the information and continued to discuss possible DOPL fine authority.

Ms. Taxin referred the Board to the Physician's Practice Act and Practice Act Rule so that they may familiarize themselves with how DOPL implemented fine authority into their law.

The Board thanked Ms. Taxin and stated they will follow up with discussion on fine authority after looking at the Physician's Law and Rule.

Ms. Harry, Compliance Update

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

- **Dr. Louis R. Christensen**

Ms. Harry stated that Dr. Christensen is in compliance with his Stipulation and Order.

Ms. Harry stated that Dr. Christensen's work hours were cut back to once a week so he decided to quit his job and is going for a month to visit some family in Florida.

- **Dr. Chris A. Neilson**

Ms. Harry stated that Dr. Neilson is in compliance with his Stipulation and Order. Ms. Harry asked the Board to remind Dr. Neilson to have his next report in by May 28, 2014.

- **Dr. David O. Hendrickson**

Ms. Harry stated that Dr. Hendrickson is in Compliance with his Stipulation and Order. She stated that Dr. Hendrickson's supervisor reports are positive. Dr. Ward stated in the Supervisor Report that Dr. Hendrickson's wife continues to have problems. Ms. Harry asked the Board to remind Dr. Hendrickson to make sure that all boxes are checked on his chaperone log.

- **Dr. David M. Anderson**

Ms. Harry reported Dr. Anderson is in compliance with his Stipulation and Order. She stated that Dr. Anderson reported receiving his DEA registration.

- **Dr. Jeremy L. Thompson**

Ms. Harry reported Dr. Jeremy L. Thompson is in compliance with his Stipulation and Order.

- **Dr. S. Dale Hibbert**

Ms. Harry reported Dr. S. Dale Hibbert is in Compliance with his Stipulation and Order.

- **Dr. Jared W. Hemmert**

Ms. Harry stated that Dr. Hemmert's license is

suspended. She stated that he requested to meet with the Board.

- **Dr. Dingman**

Ms. Taxin stated that Dr. Dingman will not be meeting with the Board today.

9:50 am

Dr. Louis R. Christensen, Telephonic Probationary Interview

Dr. Aste conducted the interview asking Dr. Christensen how he is doing.

Dr. Christensen stated that he retired from his job in St. George. He stated that his last pay period compensation was \$174.00 and it is not worth his time to continue to work there. He stated he will be taking a month off to visit his family in Florida and will try to find part time work when he returns.

Ms. Taxin asked Dr. Christensen if he can continue to call in during his vacation and asked if he can find some meetings to attend while he is in Florida.

Dr. Christensen stated that he will continue to call in and he will find some AA meetings to attend while he is in Florida.

The Board thanked Dr. Christensen for being in compliance with his Stipulation and Order.

An appointment was made for Dr. Christensen to meet telephonically on June 12, 2014.

10:10 am

Dr. Chris A. Neilson, Telephonic Probationary Interview

Ms. Reich conducted the interview asking Dr. Neilson how he is doing.

Dr. Neilson stated that he is doing well, he has continued to stay sober and things are going well in the office. He stated that his supervising dentist suggested some books that he wanted him to read and asked him to keep a journal and do some writing. He stated that his kids are doing well; he has enjoyed watching and helping his son with an eagle project, he has two children that are missionaries in the field and

has a third daughter preparing for a mission. He stated that he and his family have been involved in doing some humanitarian projects so his children learn the value of service.

Dr. Neilson stated that work is going good and the systems in place are working well. He stated that he has the best staff he has ever had. He stated Dr. Wagner, his supervising dentist, comes into the office and reviews charts, watches him with patients, and is a great sounding board.

The Board thanked Dr. Neilson for being in compliance with his Stipulation and Order.

An appointment was made for Dr. Neilson to meet telephonically on June 12, 2014.

10:20 am

Dr. David O. Hendrickson, Probationary
Interview

Dr. Radmall conducted the interview asking Dr. Hendrickson how he is doing.

Dr. Hendrickson stated that he is staying busy and is doing well.

Dr. Radmall stated that the Supervisor reports from Dr. Ward are complementary of Dr. Hendrickson. He stated that Dr. Ward noted on the Supervisor report that he is concerned with Dr. Hendrickson's wife and her continual need for dental work.

Dr. Radmall asked if Dr. Hendrickson saw the Supervisor report and if he is aware that Dr. Ward has concerns about his wife.

Dr. Hendrickson stated that he looked over the Supervisor report and talked to Dr. Ward and his understanding was that Dr. Ward was concerned about his wife's dental needs.

Dr. Rushton stated that Dr. Hendrickson's wife may want to seek a different professional to do her

dental work, as it may put a strain on Dr. Ward to have to treat Dr. Hendrickson's wife. Ms. Reich reiterated that Ms. Hendrickson should seek treatment from somebody that is not affiliated with Dr. Hendrickson.

Dr. Radmall reminded Dr. Hendrickson that a chaperone always needs to be present and that the chaperone log needs to be signed by his chaperone and not by Dr. Ward.

Dr. Hendrickson stated that the signature is in the chart.

Dr. Hendrickson stated that his chaperone is present during all procedures.

Dr. Radmall showed the CSD to Dr. Hendrickson asking him if he prescribed the controlled substances or if he recognized the patients on the log.

Dr. Hendrickson stated that he did not prescribe any of the documented controlled substances and did not recognize the patients.

Dr. Radmall asked if Dr. Hendrickson brought his charts of the charity cases he is working on.

Dr. Hendrickson stated that he did bring the charts. The patient charts were passed around to the Board for review.

Dr. Taylor proposed if Dr. Hendrickson completes the files he is working on, then his work on the charity cases can be considered complete.

Dr. Radmall asked Dr. Hendrickson if all cases will be complete by the next Board meeting in June.

Dr. Hendrickson stated that all charity cases should be complete by the next Board meeting in June.

Dr. Radmall stated that Dr. Hendrickson can bring the charts to the next Board meeting and if all cases

are complete, then he will ask for a motion that all charity cases required by the Board be considered complete.

Dr. Beyler asked about some of the patients in the charts and what their situation is.

Dr. Hendrickson stated that one female patient is from a trauma clinic and had been in an abusive relationship.

Dr. Hendrickson stated that the bridge case came as a referral from the crisis clinic and it is almost complete, there is some healing and follow-up that needs to be done.

Dr. Hendrickson stated that one patient is in her seventies and barely getting by. He stated that he is performing a full mouth restoration of dentures.

Dr. Liston stated that Dr. Hendrickson needs to ensure that all charts are initialed and documented completely.

Ms. Harry was asked to take Dr. Hendrickson to the Controlled Substance Database to request a report so he can figure out why there are patients that show they received narcotics under his name.

The Board thanked Dr. Hendrickson for being in compliance with his Stipulation and Order.

An appointment was made for Dr. Hendrickson to meet on June 12, 2014.

10:45 am

Dr. David M. Anderson, Probationary
Interview

Ms. Sliwinski conducted the interview asking Dr. Anderson how he is doing and if it has been easier now that he has his DEA registration.

Dr. Anderson stated that it is much easier to treat pain now that he has his DEA registration. He stated that he had to hire an outside dentist to assess patients and write prescriptions for him and that dentist knew he was in a position that he had to have him so he had to

pay him accordingly. He was recently given notice that the dentist he hired will be leaving which works out with him getting his DEA registration.

Ms. Sliwinski stated that Dr. Anderson's therapist report was very complimentary stating that Dr. Anderson is doing exceptionally well. She asked if Dr. Anderson is ever tempted now that he has his DEA Registration.

Dr. Anderson stated that he has been sober for over three years and has a good support system in place he has not felt tempted and has systems in place if that ever happens.

Ms. Taxin asked Dr. Anderson what his plan is if he starts to have cravings in the office now that he has access to drugs.

Dr. Anderson stated that he has three telephone numbers posted on his office door to remind him who he needs to call if he is having difficulty. If he ever feels a strong temptation, he stated that he has told his staff that they will have to reschedule his appointments and he will leave the office immediately.

Dr. Anderson stated that he is now losing two of his employees as they are leaving with the dentist that was working for him. He stated that this is difficult, but he has made sure that his new staff is completely aware of how serious he is when it comes to protocol and his sobriety.

Dr. Liston asked how the administration of the drugs work, what is the protocol?

Dr. Anderson stated all controlled substances are in a room with a two lock system. He stated there are always two people present when they log drugs in or out and they never write orders in advance.

The Board thanked Dr. Anderson for being in compliance with his Stipulation and Order.

An appointment was made for Dr. Anderson to

meet on June 12, 2014.

10:55 am

Dr. Jeremy L. Thompson, Probationary
Interview

Dr. Beyeler conducted the interview asking Dr. Thompson how he is doing.

Dr. Thompson stated that he is doing very well. He stated that he is excited to do a six implant lower. He stated that Dr. Koerner, his supervisor will be present for the procedure and will be taking pictures of the procedure.

Dr. Beyeler stated that Dr. Koerner sent in approximately five panoramic photos of the cases that Dr. Thompson has been working on along with the supervisor reports which are very complimentary.

Dr. Beyeler reminded Dr. Thompson that the supervisor reports are still due quarterly and the next one needs to be in by May 28, 2014. He asked Dr. Thompson if he has had many patient complaints.

Dr. Thompson stated that he has not had too many complaints, but did receive one which turned out okay in the end. He stated on the high risk cases, he makes sure to tell the patients up front what the risks are.

Dr. Thompson stated that he really wants to voice on record that when a colleague has an issue they should approach the concern head on rather than hide in the shadows of a complaint to DOPL. Dr. Thompson stated that he should be able to address his accuser.

Dr. Aste stated that in Dr. Thompson's initial meetings with the Board, he stated that he sometimes likes to push the edge. He asked Dr. Thompson if he still pushes treatment to the edge.

Dr. Thompson stated that he used to try to save teeth that couldn't be saved but now he knows better and will not push it.

The Board thanked Dr. Thompson for being in

compliance with his Stipulation and Order.

An appointment was made for Dr. Thompson to meet on June 12, 2014.

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.

11:10 am

Dr. S. Dale Hibbert, Probationary Interview

Dr. Liston conducted the interview asking Dr. Hibbert to update the Board on how he is doing.

Dr. Hibbert stated that after the last meeting, he felt that he should meet with his supervisor more often and spoke to him about it. He stated that he is now meeting at least once a month with his supervising dentist. He stated that he is still going to Donated a Dental and continues to call in to Affinity everyday.

Dr. Liston asked Dr. Hibbert how his stress level is.

Dr. Hibbert stated that his stress level is good; right now he has no real future plans.

Ms. Sliwinski asked how much Dr. Hibbert is working.

Dr. Hibbert stated that he is working two to three times a week at his clinic and he still volunteers at Donated a Dental.

Dr. Liston asked Dr. Hibbert if he was doing any sedation.

Dr. Hibbert stated that he is only working on kids, not doing sedation cases. He stated that he only works with an anesthesiologist at Donated a Dental.

Mr. Oborn asked where Dr. Hibbert has been meeting with his supervisor.

Dr. Hibbert stated that he is meeting with his

supervisor at the office, home and restaurants.

Mr. Oborn asked Dr. Hibbert what he is doing to maintain sobriety.

Dr. Hibbert stated that he exercises regularly, attends classes once a month, and utilizes family support.

Mr. Oborn asked what classes Dr. Hibbert is attending.

Dr. Hibbert stated that he attends AA meetings in Bountiful.

Dr. Liston asked what CE courses Dr. Hibbert is doing.

Dr. Hibbert stated that he went to Cancun and took a CE course. He stated that when he called Mr. Oborn, he was told he was not excused from testing, he was not told that he was not excused from going. He stated that he arranged for a quick flight back if he was required to test.

Ms. Harry stated that in the future, Dr. Hibbert should call her and she can tell him if testing can be arranged out of the country or not. She stated that in a lot of cases, testing can be arranged.

Mr. Oborn stated that it is not an issue that Dr. Hibbert travels, it is an issue when he does not do his drug testing. He stated that he did not know that testing was available outside of the 50 states.

Dr. Hibbert asked if his frequency of having to call in can be reduced.

Mr. Oborn stated that Dr. Hibbert has just started being in compliance and the frequency needs to remain the same so the Board can see consistency.

The Board thanked Dr. Hibbert for being in compliance with his Stipulation and Order.

An appointment was made for Dr. Hibbert to meet

on June 12, 2014.

11:50 am

Jared Hemmert Discussion

Ms. Taxin stated that Dr. Hemmert will be attending the Dental meeting today and asked if the Board would like to review and discuss his treatment evaluation.

The Board stated that they would like to close the meeting.

Meeting closed in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual.

Dr. Liston made a motion to close the meeting to discuss Dr. Hemmert in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual. Dr. Radmall seconded the motion. All Board members voted in favor of closing the meeting. Meeting closed at 11:50 a.m. Dr. Liston made a motion to reopen the meeting. Ms. Reich seconded the motion. All Board members voted in favor of re-opening the meeting. The meeting reopened at 12:18 pm.

12:15 pm WORKING LUNCH

12:45 pm Jared Hemmert

Dr. Radmall conducted the interview asking Dr. Hemmert why he wanted to meet with the Board.

Dr. Hemmert stated he wanted to discuss what the Florida Recovery Center suggested and he has four pages of thoughts to share with the Board.

Dr. Radmall suggested that Dr. Hemmert use the letter as a guide and not read it verbatim.

Dr. Hemmert stated his mental, emotional, and physical state was assessed while at the Florida Recovery Center and the program saved his life. He stated he was grateful for the experience and his family relationships are now beginning to heal. He stated that his career and financial situation have suffered. He cannot sustain his practice without being there so he has come to an agreement with another dentist to purchase his practice.

Dr. Hemmert stated he would like to practice dentistry again someday. He stated that he has gone to meetings once to twice a day; he sees his therapist at least once a month and goes to marriage therapy at least once a month. He stated he realizes that he is a narcissist and has character flaws that he needs to work on.

Dr. Hemmert stated that he knows in Dr. Teitelbaum's report, he suggested that Dr. Hemmert take a year off. He stated that he accepts that recommendation and wants the Board to tell him when that year will begin.

Dr. Radmall stated that the year would start today, March 6, 2014.

Dr. Beyeler stated that the Board would like to meet with Dr. Hemmert's therapist before he begins practicing dentistry again. He stated a fitness for duty letter would need to be presented to the Board before he is approved to practice again.

Dr. Radmall stated that Dr. Hemmert's new therapist needs to coordinate with Dr. Teitelbaum to make sure that he is an addiction specialist.

Dr. Aste asked if Dr. Hemmert wanted to be honest about anything with the Board.

Dr. Hemmert stated that he has shared everything with the Board. He stated that Dr. Teitelbaum was taken off guard with the conversation during the previous Board meeting and was very angry with him after the conversation. He stated that he should have waited and not called the Board so impulsively.

Dr. Hemmert asked if he could volunteer teach or do something in dentistry.

Dr. Radmall and the Board stated that at this time they believe he needs to follow the Florida recommendations and dentistry employment can be discussed at another time.

Dr. Hemmert stated that he would like to continue to be monitored and do drug testing so when he is ready

to ask for his license to be active, the Board will have a track history of what he has been doing.

Dr. Radmall asked whether Dr. Hemmert has been prescribing any controlled substances as his controlled substance database report shows a couple patients.

Dr. Hemmert stated that he has not written any prescriptions.

Dr. Radmall stated that Ms. Harry can walk him down to the controlled substance database so that he can get a copy of his report and call the pharmacies.

The Board thanked Dr. Hemmert for meeting with them.

DISCUSSION ITEMS:

2.5 Hours Continuing Education on Prescribing

Ms. Taxin stated that all dentists are required to take 2.5 hours of opioid training as part of their required CE as stated in 58-37-6.5(7). Ms. Taxin gave a copy of the law and a copy of the application to Board members to review while Mr. Thompson presented his course material.

Mr. Thompson stated that he has received a lot of feedback from dentists that feel the UMA course does not apply to dentists. He stated there is an excessive amount of content in the UMA course that is inapplicable to dentists and there is only an average of five different drugs that dentists prescribe that should be addressed. He stated that he was told by dentists that took the course that only two questions would apply to dentists. He stated the UDA feels they can better address dentists and their needs.

Mr. Thompson presented a power point outline for a CE course that he asked the Board to approve for the Utah Dental Association annual conference.

Ms. Taxin stated that she was on the committee that researched and designed the UMA course. She stated

that the UMA course is applicable to dentists.

Ms. Taxin stated that the Law requires that certain content is covered in the CE opioid courses and without a formal application and being that the power point was provided one day ago, it appears the presented course does not meet the current course requirements. She stated the Board can review the requirements and look the course over and decide whether they want to approve it.

Dr. Liston stated that dentists focus is usually in the mouth and they forget that the entire body is affected by the drugs being prescribed. Dr. Liston stated that dentists cannot have enough opioid and prescription education.

Mr. Thompson stated that when the subject of the opioid course is addressed, there is a more effective way to present the course to dentists. He stated the courses should address dental specific drugs and that the educational courses through the UDA would talk more specifically to dentists and orthodontists.

Dr. Radmall suggested that the UDA Board members get together with some pharmacologists and come up with a course that better addresses the pharmacology issues of dentistry and present it to the Board at a later date since the course isn't required to be completed until the 2016 renewal cycle.

Mr. Thompson stated that Glen Hanson will be at the UDA conference to answer questions. Will the Board approve this course for the conference and then they will revise it after the conference.

Ms. Taxin suggested that the Dental Board take the UMA course so that they can better judge the content and whether the course is applicable to dentistry.

Mr. Thompson stated when the UMA wrote the course, the UDA was not invited. He stated the emphasis should not be on long term and opioid pain management; the emphasis should be focused on dental relevant issues.

Dr. Radmall stated that the course needs to be updated before the Board will approve it.

The Board asked Ms. Baker to send them a link to the UMA course so that they can familiarize themselves with the content and whether it is applicable to dentists.

Dr. Radmall – DERB Update

Dr. Radmall was unable to attend – no update.

CPEP Webinar – May 21, 2014 – 12:30 pm

CPEP will be presenting a webinar during the Physician’s Board on May 21, 2014 at 12:30 pm. The Dental Board is invited to attend.

2014 Schedule Review

Ms. Taxin asked if the Board would like to change their meeting date to Friday’s.

The Board stated that they would like to keep the current schedule but will revisit the subject for the 2015 schedule year.

CORRESPONDENCE:

AADB Mid-Year Meeting – April 6-7, 2014

Ms. Taxin provided the hand-out to the Board.

NABP Issues Consensus Statement on CS

Ms. Taxin provided the article to the Board.

Specialty Exams – Beth Cole

Ms. Taxin stated that Ms. Cole sent an email asking if the once a year specialty exam was of any benefit to the State of Utah.

The Board stated that Utah does not use specialty exams, therefore if WREB quit offering them, it would not affect the current laws and rules.

Joint Commission On National Dental Examinations – 2014 NDEAF

Ms. Taxin provided a hand out from the Joint Commission On National Dental Examinations.

NEXT MEETING SCHEDULED FOR:

June 12, 2014

ADJOURN:

The time is 2:02 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.

6-12-14

Date Approved



Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

3/27/14

Date Approved



Bureau Manager, Division of Occupational &
Professional Licensing