MINUTES

UTAH
DENTIST & DENTAL HYGIENIST
LICENSING BOARD MEETING

March 3, 2016

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

CONVENED: 9:04 A.M.

ADJOURNED: 1:37 P.M.

Bureau Manager: Larry Marx
Board Secretary: Lisa Martin
Compliance Officer: Susan Higgs

Board Members Present:
Ron Bowen, DDS
Constance A. Sliwinski, RDH
Patricia Rushton, Ph.D.
Melinda L. Reich, RDH
Daniel Poulson, DDS
Greg T. Beyeler, DDS
Todd C. Liston, DDS
Leonard R. Aste, DDS
Shannon Sorensen, DDS

Board Members Absent and Excused:

Guests:
Brian Hettinges, Oral health Program
Monte Thompson, UDA
Michelle Martin, UDOH
Richard Engar, PIE
William Morrell, UDOH
Kim Michelson, Dept of Health
Kathryn Harris, UDHA

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the December 3, 2015 Board meeting were read.
Dr. Liston made a motion to approve the minutes with the revisions as discussed. Ms. Reich seconded the motion. The Board vote was

unanimous.
The minutes from the January 29, 2016 Board meeting were read.
Dr. Poulson made a motion to approve the minutes with the revisions as discussed. Ms. Sliwinski seconded the motion. The Board vote was unanimous.

APPOINTMENTS:

9:15 A.M.
Advertising Discussion

Mr. Marx introduces Mr. Jones from the attorney general office.

Mr. Jones states the Utah Dental Association has submitted a letter to the division concerning advertisements. Mr. Jones states the ag office is required to follow the code of ethics and statues in the dental practice act. Mr. Jones states the ad provided to the division states the gift card was given to the patient, this is not in conflict with the statute. In reference to the code of ethics 4e1 split fees; refers to a third party and split fees.
Mr. Jones states that such letters in the future should be directed to the division and should not be sent to a member of the board.
Mr. Jones states the ad provided is not interpreted as a professional fee.

Dr. Beyeler asks if the advertisement had stated a reward would be provided for a referral if the offer would be in violation.

Mr. Jones states a referral incentive would be a violation.

Mr. Thompson states the UDA attempts to assist the division. The UDA interpretation is that a dentist cannot pay a patient to be seen at a specific clinic.

Mr. Jones state he has reviewed the ADA code of ethics and didn't see the wording of the verbal interpretation.

The board thanks Mr. Jones for his time.

9:45 A.M.
Ms. Higgs, Compliance Update

- Ms. Higgs states Dr. Shultz has decided to surrender his license.
- Ms. Higgs states Dr. Bernard Dingman has submitted all required reports and has attended all required meetings.
- Ms. Higgs states Dr. Jared Hemmert has submitted all required reports and is attending all required meetings.
- Ms. Higgs states Dr. David Hendrickson has requested early termination of probation. Dr. Hendrickson has submitted all required reports.
- Ms. Higgs states Dr. James Morgan has submitted required reports and chaperone logs.
- Ms. Higgs states Dr. Brandon Tayler has submitted all required reports.

10:00 A.M.
Dr. Bernard Dingman, Probationary Interview

Dr. Beyeler conducted the interview asking how Dr. Dingman is doing.

Dr. Dingman states recovery is going well and his practice is slowly growing.

Dr. Beyeler asks about the meetings Dr. Dingman attends.

Dr. Dingman states he attends several AA meetings.

Ms. Higgs asks Dr. Dingman what he has learned from the meetings.

Dr. Dingman states the meetings helps him remember the initial struggle.

Dr. Beyeler asks about the missed check in.

Dr. Dingman states he had an early morning which was out of his routine and the check in was forgotten.

Dr. Beyeler states the board received information that the legal probation has been completed. Dr. Beyeler states that the supervisor report indicates more attention and energy towards the dental practice has been applied.

Dr. Dingman states he has to reschedule some patients for a random drug screen that is only offered at one location.
Dr. Dingman states he will return to the recovery center in April for a week as a part of his requirements.

Dr. Beyeler states Dr. Dingman is in compliance with his stipulation at this time.

An appointment was made for Dr. Dingman to meet with the Board on June 2, 2016.

10:20 A.M.
Dr. Jared Hemmert, Probationary Interview

Dr. Aste conducted the interview asking how Dr. Hemmert is doing.

Dr. Hemmert states he is recently married and she is extremely supportive. Dr. Hemmert state he is in a good routine with regard to attending meetings. Dr. Hemmert states work is going well; however he continues to struggle with insurance panels.

Dr. Aste asks about Dr. Hemmert's recovery.

Dr. Hemmert states he has no desire to use; he doesn't dwell on his past.

Dr. Aste asks about the meetings Dr. Hemmert is attending.

Dr. Hemmert states he attends early morning AA meetings a few times a week. Dr. Hemmert states he talks with his sponsor at least once a week.

Dr. Aste asks about Dr. Hemmert's employment.

Dr. Hemmert states on Monday, Wednesday, and Friday he is works at Young Family Dental; and on

Tuesday and Thursday he works with the Center for Dental Professionals.

Dr. Aste states the supervisor report is positive.

Dr. Aste states Dr. Hemmert is compliant with his stipulation and order at this time.

An appointment was made for Dr. Hemmert to meet with the Board on June 2, 2016.

10:40 A.M.
Break

10:55 A.M.
Dr. David Hendrickson, Probationary Interview

Dr. Sorensen conducted the interview asking how Dr. Hendrickson is doing.

Dr. Hendrickson states the practice is going well.

Dr. Sorensen states the board has received the letter requesting early release.

Dr. Hendrickson states after review of his situation he feels he has made good progress, and his initial problems are no longer an issue. Dr. Hendrickson asks the board if they would consider allowing him at a place in his recovery that he can manage his actions moving forward.

Ms. Reich asks what has changed to remove the temptation.

Dr. Hendrickson states he no longer prescribes any controlled substances.

Ms. Higgs asks if Dr. Hendrickson has any interest in obtaining his controlled substance license in the future.

Dr. Hendrickson states he would like his controlled substance license returned. Dr. Hendrickson states the family members are now in professional treatment and he would not prescribe to them.

Ms. Reich asks if the first probation was an early

release.

Mr. Marx states the first probation was a five year probation and he was released after completing three years of the probation.

Dr. Aste states Dr. Hendrickson has been compliant over the probationary period. Dr. Aste states the board had focused on Dr. Hendrickson's record keeping.

Dr. Hendrickson states he continue to improve on the record keeping, even with a change in the record system.

Ms. Sliwinski states the submitted letter indicates probation is difficult for the supervisor.

Dr. Hendrickson states the supervisor spends a lot of extra time fulfilling the supervisor requirements.

Dr. Bowen states the board has the option to remove the probation from the dental license and maintain probation on the controlled substance license.

Dr. Liston made a motion that Dr. Hendrickson be released from probation, maintaining the suspended controlled substance license.
Ms. Sorensen seconded the motion. The board vote was unanimous.

11:15 A.M.
Dr. James Morgan, Probationary Interview

Dr. Bowen conducted the interview asking how Dr. Morgan is doing.

Dr. Morgan states he will attend the boundaries course in April. Dr. Morgan states he believes the reports are all submitted and he should be in compliance. Dr. Morgan states he has completed the twelve step program and is working through the steps for the second time.

Dr. Bowen asks how the twelve step program has helped Dr. Morgan.

Dr. Morgan states the program has given him a new prospective on religion, addiction, and family life.

Dr. Bowen asks about the chaperone logs and the role of the chaperones.

Dr. Morgan states the chaperone logs are completed after each patient. Dr. Morgan states he and the office manager meet with the chaperones to follow up with the practice and their role as chaperones.

Dr. Bowen asks how the restrictions have affected Dr. Morgan's practice.

Dr. Morgan states the only inconvenience is with the chaperones, as he cannot see emergency patients on weekend or after hours.

Dr. Liston asks if there is a possibility to allow his wife to act as a chaperone on an emergency basis as she is the office manager and there are cameras in each exam room.

Dr. Bowen suggests the board discuss changes of the chaperone requirements and will update Dr. Morgan when a decision is made.

Dr. Beyeler asks if the board would be willing to allow Dr. Morgan's wife act as a chaperone.

Dr. Liston states he would support the exception as there are cameras in the office.

Ms. Reich states the board may request to have Dr. Morgan's wife attend a board meeting prior to approving her as a chaperone.

Dr. Bowen states Dr. Morgan is in compliance with his stipulation and order at this time.

An appointment was made for Dr. Morgan to meet with the Board on June 2, 2016.

11:35 A.M.
Dr. Brandon Tayler, Probationary Interview

Ms. Sliwinski conducted the interview asking about

the abnormal result of one of Dr. Tayler's drug screen.

Dr. Tayler states he is not sure what caused the abnormal result on the drug screen. Dr. Tayler states he has consulted with a physician concerning the result.

Ms. Sliwinski states the concern of the board is that Dr. Tayler is attempting to mask a positive result.

Dr. Tayler states he has no intention of altering test results.

Ms. Sliwinski asks if Dr. Tayler is submitting reports monthly.

Dr. Tayler states he has been submitting reports monthly for seven months.

Ms. Sliwinski asks what meetings Dr. Tayler is attending.

Dr. Tayler states he was asked to attend 8-12 weeks of an outpatient program; Dr. Tayler states he has completed and continued attending the outpatient program for seven months now.

Ms. Sliwinski asks about Dr. Tayler's employment.

Dr. Tayler states his business is thriving. Dr. Tayler states he has a regimented wellness program to assist with his chronic pain.

Dr. Bowen asks what the source of Dr. Tayler's pain.

Dr. Tayler states he was struck by a car and he has experienced continuous back pain.

Ms. Sliwinski asks if the marriage therapist could send a letter to the board stating he is attending marriage counseling.

Dr. Tayler states he has been attending marriage

counseling and he can request the letter.

Dr. Tayler asks about the possibility of obtaining his controlled substance license.

Dr. Beyeler states with a five year probation the controlled substance is often returned in the third year of probation if the licensee is in compliance.

Ms. Sliwinski states Dr. Tayler is in compliance with his stipulation and order at this time.

An appointment was made for Dr. Tayler to meet with the board on June 2, 2016.

Discussion Items:

Meeting Days

Mr. Marx states there is a two day hearing upcoming; currently it is scheduled for July.

Mr. Marx asks the board if they would like to continue board meetings on Thursdays.

Dr. Bowen states Friday would be his first choice.

Dr. Liston states Friday would be easier on his practice.

Dr. Beyeler suggest the June meeting stay on the Thursday and make the change to Friday meetings in September.

The board agrees to move board meetings to Friday as of September.

HB 186

Mr. Marx states this bill allows 15% of continuing education may be completed by volunteer work. The established ratio resulted in 4 hours of volunteer work would qualify as 1 hour of continuing education credit.

Mr. Marx states a rule will be created to support the change.

CITA

Mr. Marx states the division has received a letter

from the ADA requesting Utah accept the CITA exam.
Dr. Aste states the push to have all states accept the exam is to allow dentists more ease when moving from state to state.

Ms. Reich states on April 8th she will observe a CITA dental hygiene exam.

Dr. Aste states he would be willing to attend the CITA exam for dentists

Ms. Sliwinski states she will attend a CDCA exam in the spring as well.

The board tabled this item until the June meeting after board members have attended the administration of the CITA exam.

Reinstatement Rule Change

Mr. Marx asks the board if they would recommend a hard rule for this situation or if it will be evaluated on a case by case basis.

Ms. Sliwinski states she supports the consistency of a rule being created.

Ms. Reich made a motion that a dental professional that has not practice for five or more years will be required to take a practical exam prior to reinstatement of licensure. Ms. Sliwinski seconded the motion. The Board vote was unanimous.

Mr. Marx states he will create a rule change.

UDA Pharmacology Continuing Education

Mr. Marx states he has met with Dr. Hansen and discussed the information that will be provided at the proposed course. Mr. Marx states the content that will be provided will fulfill the requirement.

Dr. Bowen asks if the course would be approved for the current renewal cycle.

Mr. Marx states the division intends to have the course approved prior to the UDA convention.

Dental Exam Review Board

Dr. Aste summarizes the most recent dental exam review board (DERB) meeting stating there are changes being discussed with several of the regional boards. Dr. Aste states one issue addressed was the use of plastic teeth as an alternative to natural teeth for the exam. Dr. Aste states there have been changes to accommodate more timely review and retesting if required. Dr. Aste continues stating most of the meeting was in discussion of the 'buffalo model'. Dr. Aste states the buffalo model allows students to work with an existing patient and faculty member to complete the procedure at their own pace. Dr. Aste states the concern is removing live patients from the regional exams. Dr. Aste states concern of the portfolio model; where the exam is passed by review of the educational portfolio and the student does not participate in the exam.

Dr. Bowen asks what authority the board has to change what exams Utah accepts if changes are made to the regional exams.

Mr. Marx states the board has authority to recommend changes to the rule.

Ms. Sliwinski suggest members of the board attend the exams to review how each exam is administered.

Dr. Bowen states there is a difference in skill between doing treatment on mannequin rather than a live patient.

Dr. Liston suggest a flow sheet be created to show comparisons of each regional exam.

The board request this discussion to continue at the next board meeting; including a member of the Western Regional Exam be invited.

NEXT MEETING SCHEDULED FOR: June 2, 2016

ADJOURN: The time is 1:37 P.M. 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.

6·2·16
Date Approved

Chairperson, Utah Dentist & Dental Hygienist Licensing Board

6/2/16
Date Approved

Bureau Manager, Division of Occupational & Professional Licensing