

MINUTES

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

September 3, 2015

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

CONVENED: 9:03 A.M.

ADJOURNED: 3:27 P.M.

Bureau Manager:
Board Secretary:
Compliance Officer:

April Ellis
Lisa Martin
Debbie Harry

Board Members Present:

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

Board Members Absent and Excused:

Guests:

Dr. Phil Rinaude, NYU/Lutheran Dental Medicine
Kathy Harris, UDHA
Richard Engar, DDS, PIE
Kim Michelson, UDOH-Oral health Program
Monte Thompson, UDA
Brent Sonnenberg
Malorie Fowler
Karlie Gustaveson
Reed K. Jarvis, ADA/UDA
Krista Behrmann

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the June 5, 2015 Board meeting were read.

Dr. Aste made a motion to approve the minutes with the revisions as discussed. Ms. Reich seconded the motion. The Board vote was unanimous.

Swear in Dr. Daniel Poulson, DDS

Ms. Ellis administered the Oath of Office to Dr. Poulson, DDS.

Elect Chairperson

Dr. Bowen nominates Dr. Beyeler.
Ms. Reich nominates Dr. Liston. Dr. Liston states he supports Dr. Beyeler as chair person.
The board votes Dr. Beyeler as chairperson.

APPOINTMENTS:

9:15 A.M.

Ms. Harry, Compliance Update

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

- Dr. David M. Anderson is in compliance with his Stipulation and Order.
- Dr. Bernard Dingman is not in compliance with his Stipulation and Order.
- Dr. Jared Hemmert is in compliance with his Stipulation and Order.
- Dr. David O. Hendrickson is compliant with his Stipulation and Order.
- Dr. William Hickman is compliant with his Stipulation and Order.
- Dr. James Morgan is compliant with his Stipulation and Order.
- Dr. Chris A. Neilson is compliant with his Stipulation and Order.
- Dr. Shulze is in compliance with his Stipulation and Order.
- Dr. Brandon Tayler, this is his first appointment with the board.

9:30 A.M.

Dr. Philip Rinaudo, Resident Approval

Ms. Ellis state a year ago Primary Children's approved a residency program to allow dentists to work under the umbrella exemption that allows a residency type program.

Dr. Rinaudo states he works with the New York Lutheran Health Systems. They place residents in CODA approved clinical training sites. The training sites employ licensed dental professionals. The goal is for the residence to gain knowledge without obtaining a license in the state of their residency.

Dr. Bowen clarifies the resident dentists have graduated from a dental school.

Dr. Rinaudo confirms that all residents would have already graduated and all programs will be CODA approved.

Ms. Sliwinski asks about supervision of the residents.

Dr. Rinaudo states a Utah licensed dentist that has practiced for at least three years and approved through NY Lutheran.

Ms. Ellis states and reads from the Division of Occupational and Professional Licensing Act section 58-1-307(c).

Dr. Aste makes a motion to approve the proposed program. Dr. Beyeler seconded the motion. The board vote was unanimous

Dr. Rinaudo thanks the board for their time.

10:00 A.M.

Dr. David M. Anderson, Probationary
Interview

Ms. Sliwinski conducted the interview asking how Dr. Anderson is doing.

Dr. Anderson states things he is doing well and he is four and a half years sober.

Ms. Sliwinski asks about Dr. Anderson recertifying

with the maxillofacial board.

Dr. Anderson states he will test for recertification in a couple of weeks.

Ms. Sliwinski asks if Dr. Anderson is requesting hospital privileges.

Dr. Anderson states he applied six months ago and requested recertification; Dr. Anderson received notice that everything is in order.

Dr. Anderson states at his last meeting with the medical board they indicated his probation would be terminated at his next meeting in three months.

Ms. Ellis states the division would feel comfortable with an early release.

Dr. Beyeler asks how often Dr. Anderson is meeting with his supervisor Dr. Flynn?

Dr. Anderson states they meet weekly and Dr. Flynn is in the office once a month.

Ms. Sliwinski asks about the meetings Dr. Anderson attends.

Dr. Anderson states he is the chairperson in his professionals in recovery meetings. He feels he will continue that in the foreseeable future.

Dr. Bowen made a motion to terminate Dr. Anderson's probation. Dr. Liston seconded the motion. The board vote was unanimous.

Dr. Anderson thanks the Board.

10:20 A.M.

Dr. Bernard Dingman, Probationary Interview

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

Dr. Dingman states he went to Pinegrove, he completed a polygraph, and he is meeting with his therapist and sponsor.

Dr. Beyeler asks about Dr. Dingman's supervisor.

Dr. Dingman introduces his supervisor Dr. Sonnenberg.

Dr. Sonnenberg states the communication is good and that Dr. Dingman is progressing, and he communicates with Dr. Dingman's other supervisor Dr. Hibert.

Ms. Sliwinski asks if Dr. Sonnenberg reviews charts at the clinic or electronically.

Dr. Sonnenberg states he visits the clinic regularly and reviews charts electronically.

Dr. Beyeler states Dr. Dingman is not in compliance as the division has not received the therapist report for August.

Dr. Dingman states he sees Dr. Tayler weekly and was informed that it was sent late and refaxed prior to the meeting.

Ms. Harry suggests that the report be sent by email from this point forward.

Dr. Dingman states PineGrove and Dr. Tayler's report mentioned that bi-weekly therapist appointments would be appropriate.

Dr. Beyeler states when the therapist report is received that change can be approved.

Dr. Beyeler asks about Dr. Dingman's check-ins and drug tests.

Dr. Dingman states he check in every day and hasn't missed a test. Dr. Dingman states that due to schedule restrictions it would be difficult to do his testing in Salt Lake.

Ms. Ellis clarifies that the requested test will need to be completed once a month.

Dr. Dingman states that was not his understanding and

that is something he can commit to.

Dr. Sonnenberg asks if the monthly report can be changed to quarterly reports.

Ms. Ellis states as the reports have been submitted on time the change can be approved. Ms. Ellis clarifies the reports will need to be completed each month however they will only need to be submitted quarterly.

An appointment was made for Dr. Dingman to meet with the Board on December 3, 2015.

10:50 A.M.

Dr. Jared Hemmert, Probationary Interview

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

Dr. Hemmert states he established a new supervisor as requested by the board at the last meeting. Dr. Hemmert introduced Dr. Cerny. Dr. Hemmert states he only works one day a week. Dr. Hemmert states Medicaid approved him as a provider. Dr. Hemmert states his recovery is going well, he has been able to attend 3 meetings every week even while out of town.

Ms. Sliwinski asks Dr. Cerny about his understanding of his role as supervisor.

Dr. Cerny states he watches Dr. Hemmert, reviews charts, and the staff are aware of Dr. Hemmert's situation.

Ms. Reich asks if the dental assistants would feel comfortable reporting to Dr. Cerny.

Dr. Cerny confirms the dental assistant would approach him if there were any issues.

Dr. Hemmert states the office manager watches him closely as well.

Dr. Bowen asks about the recommendations from Dr. Howell to start psychotherapy with a therapist near his home.

Dr. Hemmert states he is meeting with Shawn Edgington.

Ms. Harry states only one report has been submitted to the division.

Ms. Sliwinski states Dr. Hemmert missed one check in.

Dr. Hemmert states he is unaware that he missed a day.

Dr. Liston states Dr. Hemmert needs to ensure no other days are missed.

Ms. Harry states the missed check in was July 8th.

An appointment was made for Dr. Hemmert to meet with the Board on December 3, 2015.

The board discusses the frequency of appointments for probationers.

Dr. Liston states the board has every probationer attend every meeting however it may be a better use of time to allow compliant probationers to meet bi-annually rather than quarterly.

Dr. Bowen states the board can determine when the probationer will need to be seen again.

Ms. Ellis states most boards do not see every probationer at every meeting. It is up to the board how they spend their meeting, with less probationers at each meeting there would be more time for discussion items.

11:20 A.M.

Dr. David O Hendrickson, Probationary Interview

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

Dr. Hendrickson states everything is going well and he is able to work without schedule two prescribing privileges.

Dr. Bowen asks about Dr. Hendrickson's writing pain medication schedule three medications.

Dr. Hendrickson states they do not prescribe any at all.

Dr. Aste asks about the opportunity to provide humanitarian aid in the Dominque Republic that Dr. Hendrickson has mentioned at previous meeting.

Dr. Hendrickson states that is in the works and would occur next year.

Ms. Sliwinski asks how often Dr. Hendrickson is attending meetings.

Dr. Hendrickson states he attends meetings twice a week.

An appointment was made for Dr. Hendrickson to meet with the Board on March 3, 2016.

11:40 A.M.

Dr. William Hickman, Probationary Interview

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

Dr. Hickman states he relapsed in April and attended an inpatient evaluation. Dr. Hickman states he is working again.

Dr. Aste asked what triggered the relapse.

Dr. Hickman states negative self-images about his past and where he expected to be at this point.

Dr. Aste asks about Dr. Hickman's support system.

Dr. Hickman states he did not reach out to his support system. Dr. Hickman states he is focused on improving his support system and connecting with them.

Dr. Aste asks about Dr. Hickman's sponsor.

Dr. Hickman states he is working on obtaining a new sponsor that will have more time than the temporary

sponsor he has access to now.

Dr. Aste asks if there have been any consequences of Dr. Hickman's relapse.

Dr. Hickman states it did not initially affect his employment, other consequences include loss of money and loss of trust.

Dr. Aste asks how to avoid a relapse in the future.

Dr. Hickman states he is always thinking about how to avoid a relapse. He recognizes that he needs to be open about behaviors, emotions, and life events.

Dr. Aste asks how the relapse was discovered.

Dr. Hickman states he tested positive on a urine drug screen.

Dr. Aste asks about Dr. Hickman's practice plan stating a supervisor is not listed.

Dr. Hickman asks if Utah requires a supervisor stating Arizona does not require a supervisor.

Ms. Harry states Utah gets a report from Arizona indicating if he is in compliance.

Dr. Beyeler states the Utah board would still require a supervisor to report to Utah.

Ms. Ellis states it is a board decision to allow Dr. Hickman to work without a supervisor, which would follow the Arizona requirement.

Dr. Hickman states in Arizona his record is considered a private matter and asks how he would maintain privacy with a supervisor.

Dr. Liston states the requirement would not be necessary if Dr. Hickman did not relapse. Dr. Liston inquires if a supervisor would help prevent another relapse.

Dr. Hickman states there are no other dentists that work in the office with him. Dr. Hickman asks how the supervision would work.

Ms. Ellis clarifies the requirement is not direct supervision. The supervisor role would include reviewing charts and visit the office once a month.

Ms. Ellis reads from Dr. Hickman's stipulation which includes the supervisor requirements.

Dr. Liston made a motion that a supervisor is not required while working in Arizona when Dr. Hickman returns to Utah a supervisor will be required. Ms. Reich seconded the motion. The board vote was unanimous.

Ms. Ellis asks what action Arizona took based on the relapse.

Dr. Hickman states Arizona extended his monitoring time.

Ms. Harry asks for a copy of the Arizona amendment.

Dr. Poulson states if the board is following Arizona's lead then Utah should extend the probation as well.

Ms. Ellis states the Utah probation can only be extended if Dr. Hickman is willing to sign a new stipulation.

Dr. Hickman states he is willing to sign a new stipulation extending his probation time.

An appointment was made for Dr. Hickman to meet telephonically with the board on December 3, 2015.

12:00 P.M.
Lunch

12:30 P.M.
Dr. James Morgan, Probationary Interview

Dr. Liston conducted the interview asking how Dr.

Morgan is doing.

Dr. Morgan states he has a new chaperone, continues therapy, 3 group meetings a week, and attends both individual and couples therapy. Dr. Morgan introduces his two chaperones Ms. Fowler and Ms. Gustaveson.

Dr. Liston asks Dr. Morgan about the meetings he attends.

Dr. Morgan states he attends an LDS addiction recovery every Tuesday.

Dr. Liston asks about Dr. Morgan's participation in a 12 step program.

Dr. Morgan states he works on the 12 step program with his therapist.

Dr. Aste asks about Dr. Morgan's understanding of the role of the chaperones.

Dr. Morgan states both chaperones have read the stipulation and they are aware that he is not to be alone with patients at any time.

Dr. Aste asks the chaperones how they feel about their role.

Ms. Fowler states she has Ms. Harry's phone number if any events occur and they are comfortable reporting any inappropriate behaviors.

Ms. Harry states she has spoken with both chaperones and they have both signed the certification of notification. Ms. Harry states the chaperones complete the weekly report that is required.

Ms. Sliwinski asks about the measure Dr. Morgan has in place at the office.

Dr. Morgan states they have video cameras throughout the office that he has no access to.

Ms. Harry reminds Dr. Morgan that all reports are

due on the 28th of each month.

Dr. Morgan asks about the discussion from the previous meeting requiring a supervisor, however it is not listed in the stipulation.

Ms. Ellis states the board may have felt that Dr. Morgan having a supervisor in place would be beneficial.

Dr. Sorenson made a motion stating Dr. Morgan does not require a supervisor. Dr. Beyeler seconded the motion. The motion passes with 8 for and 1 against.

Ms. Harry asks how the board would like to verify Dr. Morgan is attending group meetings.

Ms. Rushton states it is acceptable to document attendance in the therapist report.

An appointment was made for Dr. Morgan to meet with the Board on December 3, 2015.

1:00 P.M.

Dr. Chris A. Neilson, Probationary Interview

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

Dr. Neilson states he sees his therapist as needed and he has received his controlled substance license.

Dr. Nielson asks about early release of probation.

Ms. Reich states the board generally has probationers complete three years of probation prior to allowing early termination of probation. Ms. Reich states Dr. Neilson will complete three years in January of 2016.

Dr. Nielson states the request is based on insurance issues, indicating he will be reapplying for insurance privileges in January.

Ms. Sliwinski states the board meets in December and the board could make a decision at that time.

Dr. Liston asks if there will be an effect if the board waits for another quarter or would the board be willing to vote now.

Ms. Ellis states while there is a precedent of three complete years the board does need to review each case on its own circumstance.

Ms. Reich refers to Dr. Neilson's stipulation which states respondent may request to the division and board that probation be terminated after two years of probation.

Dr. Aste states the board has to consider that this is a first time offence for Dr. Neilson.

Dr. Liston made a motion to terminate Dr. Neilson's probation. Ms. Sliwinski seconded the motion. The board vote was unanimous.

The board thanks Dr. Neilson for his compliance.

1:20 P.M.

Dr. Richard Shulze, Probationary Interview

Ms. Rushton conducted the interview asking how Dr. Shulze is doing.

Dr. Shulze states he is teaching full time and creating course objectives.

Ms. Rushton asks if Dr. Shulze has found a new therapist.

Dr. Shulze states Trent Holmberg is his new therapist. Dr. Shulze states all therapist reports should have been sent.

Ms. Rushton states Dr. Shulze had missed 2 check-ins.

Dr. Shulze states one of the missed days was a day he had his children and he was distracted.

Ms. Rushton suggests Dr. Shulze set an alarm on his phone.

Dr. Shulze asks the board to consider extending his

duties at the school allowing him to perform risk assessment, prescribe antibiotics, and work in new patient check in area.

Ms. Rushton states the board would like to see full compliance of all requirements including no missed check in prior to allowing practice privileges.

Ms. Ellis asks if Dr. Shulze has attended treatment.

Dr. Shulze states he had not received a list of approved treatment settings.

Ms. Ellis state a list was sent to Dr. Cheever. Ms. Ellis states as Dr. Shulze has not attended treatment the board would not allow him to practice dentistry.

Ms. Rushton states the board will reconsider the request when there is full compliance and completion of the required treatment.

An appointment was made for Dr. Shulze to meet with the Board on December 3, 2015.

1:40 P.M.

Dr. Brandon Tayler, Initial Probationary Interview

Ms. Sliwinski conducted the interview asking Dr. Tayler to explain what brought him before the board.

Dr. Tayler states he had chronic back pain and began to self-medicate. Dr. Tayler states he had staff and family members fill prescriptions for his personal use.

Dr. Beyeler states the dental board is here to protect the public and support him through his probation period.

Ms. Rushton asks how DOPL became aware of his situation.

Dr. Tayler states he asked a co-worker to fill one of the prescriptions and the co-worker contacted DOPL.

Dr. Bowen asks Dr. Tayler what his pain management plan is for his back that will eliminate

issue in the future.

Dr. Tayler states he has worked with a pain management specialist to learn non-medicated methods to care for his back.

Dr. Beyeler asks what safe guards are in place for nitrous oxide in the office.

Dr. Tayler states it is located in a locked closet that he does not have access to.

Dr. Aste states the submitted practice plan indicates the proposed supervisor, Dr. Jarvis has been a supervisor in the past.

Dr. Jarvis states he was a supervisor in Idaho.

Ms. Ellis asks if Dr. Jarvis is employed by Dr. Tayler.

Dr. Tayler confirms that he pays Dr. Jarvis as an associate.

Ms. Ellis states the supervising dentist does not have to work on site, they are required to review charts and check the site once a week. The supervisor cannot be an employee of the probationer.

Dr. Jarvis states he would be willing to continue as Dr. Tayler's supervisor and end the employment.

Dr. Aste asks if the DEA has taken any action against his license.

Dr. Tayler states they have not taken any action at this time.

Ms. Sliwinski asks about recommendations set by Center for Dependency, Addiction and Rehabilitation (CeDAR).

Dr. Tayler states he is involved in an intensive outpatient program, attends required meeting including

AA and Professionals in Recovery, as well as marriage counseling.

Dr. Beyeler states the board will need an update on the supervising dentist resolution.

Ms. Sliwinski asks if Dr. Tayler has his controlled substance license.

Ms. Ellis states the controlled substance is suspended until the board and division determine it is safe to practice with a controlled substance license.

Dr. Beyeler states the board would like to meet a few times prior to granting the controlled substance license.

Dr. Bowen made a motion to approve the submitted practice plan. Dr. Poulson seconded the motion. The board vote was unanimous.

An appointment was made for Dr. Tayler to meet with the board on December 3, 2015.

2:10 P.M.

Apex Academy of Dental Professionals

Ms. Behrmann states she is meeting with the board to obtain approval of the dental assisting radiology course.

Dr. Beyeler states he has reviewed the program and it complied with the law. Dr. Beyeler states the name of the school could be misleading to the public.

Ms. Rushton states the name does not suggest the school works with dental assistance.

Ms. Behrmann states the name is to include dental assistants, orthodontic assistants, and office positions.

Ms. Reich asks if they will teach all students in all the offered courses.

Ms. Behrmann states the students can choose which role they would like to be educated in. Ms. Behrmann

states the school has been working with an attorney to ensure they have a qualifying name.

Ms. Ellis states the public will not be as concerned about the training rather the dentist doing the hiring will ensure the quality of the dental assistant.

Ms. Sliwinski asks about the dental assisting school in Logan that has a similar name.

Ms. Behrmann states they are aware of the Logan school and did review the name with their attorney.

Dr. Aste made a motion to approve the submitted course. Dr. Beyeler seconded the motion. The board vote was unanimous.

2:25 P.M.

Anona Jones-Pack, Reinstatement Application
Review

Ms. Pack introduces herself and states she has submitted an application for dental hygiene. Ms. Pack states she has not worked as a dental hygienist for nineteen years.

Ms. Sliwinski asks about the experience Ms. Pack has in dentistry.

Ms. Pack states she worked for three years as a dental assistant and seven years as a dental hygienist.

Dr. Aste asks if Ms. Pack has obtained any continuing education.

Ms. Pack states she has obtained over 60 hours of online continuing education this year.

Dr. Aste asks if the dentists Ms. Pack worked with would be willing to write letters of recommendation.

Ms. Pack states one is suffering from Alzheimer's and the other has passed away. Ms. Pack states she would be willing to have a new employer write a letter.

Dr. Poulson states the 60 hours of continuing

education have all been didactic and there has been no assessment of Ms. Pack's clinical skills.

Ms. Reich suggests Ms. Pack take a clinical board to obtain a license.

The board agrees that Ms. Pack will need to pass a regional practical exam.

2:40 P.M.

Dr. Nelson Henry, Application Review

Dr. Henry states he submitted an application for a Utah dental license as was informed he needed to meet with the board due to disciplinary action taken against his Maine license.

Ms. Sliwinski asks Dr. Henry what the disciplinary action was concerning.

Dr. Henry states he removed teeth without patient approval and did not keep appropriate patient records.

Ms. Ellis states it is understood that Dr. Henry left Maine to avoid a hearing against his license.

Dr. Henry states he didn't want to go to the board he didn't feel he was able to meet their expectation.

Ms. Ellis reviews Dr. Henry's timeline stating in the original agreement in 2007 Dr. Henry admitted to substandard care resulting in a 5 year probation. Dr. Henry was required to complete continuing education courses and practice evaluation. Following several amendments Dr. Henry signed a new 5 year probation in 2012.

Dr. Beyeler asks about the patient that had additional tooth removal.

Dr. Henry states the patient was elderly and medically compromised. The patient did not sign a written consent. Dr. Henry states about two weeks after the procedure the patient had medical complications.

Ms. Sliwinski asks what medical complication occurred.

Dr. Henry states the patient had heart complications. Dr. Henry states the events were suspicion enough to link to the dental procedure.

Dr. Aste asks if Dr. Henry completed the Maine requirements.

Dr. Henry states he did not complete the requirements established in the 2012 stipulation. Dr. Henry states he took the required courses however after two attempts he was unable to pass the national exam provided by the National Board of Dental Examiners.

Ms. Ellis states Dr. Henry is applying for a Utah Dental license and the division is asking board to review the application.

Dr. Aste asks how many hours of continuing education Dr. Henry has completed.

Dr. Henry states the last continuing education courses he took were in 2013.

Ms. Rushton summarizes that Dr. Henry could not pass the exams, has not obtained recent continuing education, did not finish probation, and last practiced in 2013.

Dr. Bowen states he does not see ground to grant Dr. Henry a license as he left Maine while on probation and had not been in good standing with Maine for some time prior to leaving the state.

Dr. Aste states the board should provide guidelines for Dr. Henry to complete prior to approval of a Utah license.

Dr. Aste suggests Dr. Henry would need to obtain current continuing education and pass the national exam.

Ms. Rushton asks the board to clarify how many hours of continuing education would be required.

Dr. Aste states the requirement for licensed

dentists is 30 hours of continuing education for each renewal.

Ms. Rushton also suggest that Dr. Henry complete the Maine requirements.

Ms. Ellis states the requirements from Maine including completing a psychological exam, completing continuing education concerning oral medicine, oral surgery, pharmacological record keeping and patient management.

Dr. Aste made a motion to deny the application based on prior unprofessional conduct and actions that is unresolved in Maine. Ms. Reich seconded the motion. The Board vote was unanimous.

To consider a new application in the future Dr. Henry will need to complete a psychological exam, part II of national board, and 30 hours of continuing education within 2 years of applying.

DISCUSSION ITEMS:

NEXT MEETING SCHEDULED FOR:

October 28, 2015

ADJOURN:

The time is 3:27 P.M. and the Board meeting is adjourned.

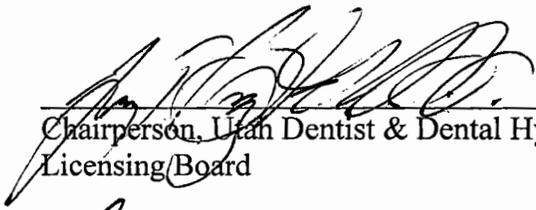
Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

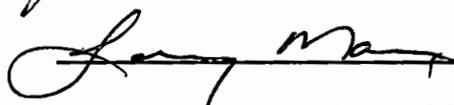
1-29-16

Date Approved

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Chairperson, Utah Dentist & Dental Hygienist
Licensing Board


Bureau Manager, Division of Occupational &
Professional Licensing