

**MINUTES**

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

**December 3, 2015**

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

**CONVENED: 9:06 A.M.**

**ADJOURNED: 1:55 P.M.**

**Bureau Manager:  
Board Secretary:  
Compliance Officer:**

Larry Marx  
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

**Board Members Absent and Excused:**

Todd C. Liston, DDS  
Shannon Sorensen, DDS

**Guests:**

**TOPICS FOR DISCUSSION**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from the September 3, 2015 Board meeting were read.

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

**Welcome Larry Marx**

Mr. Steve Duncombe introduced Mr. Marx as the new bureau manager.

## APPOINTMENTS:

### 9:15 A.M.

Ms. Harry, Compliance Update

- Ms. Harry states Dr. Bernard Dingman has submitted all required reports and attends all required meetings.
- Ms. Harry states Dr. Jared Hemmert's October reports have not been received and he will present a new employment opportunity for approval.
- Ms. Harry states Dr. William Hickman has had a relapse and requested his license be placed on suspension.
- Ms. Harry states Dr. James Morgan has not submitted his therapist report.
- Ms. Harry states Dr. Brandon Tayler has submitted all required reports and had reported a missed drug test.
- Ms. Harry states Dr. Shulze states the supervisor report has some new information for the board to review.

Dr. Bernard Dingman, Probationary Interview

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

Dr. Dingman states his sobriety is going well. Dr. Dingman states he is considering changing psychiatrist and asks about the process to approve the change.

**Ms. Harry states Dr. Dingman will need to submit the new provider's name, cv, and a form that states the new psychiatrist has reviewed the stipulation; once all the documents have been submitted the board and Mr. Marx will review and approve the provider.**

**Dr. Aste asks about Dr. Dingman's practice.**

Dr. Dingman states the practice has been slow and he has been dropped by an insurance board.

**Dr. Bowen asks how long Dr. Dingman has been on probation.**

**Ms. Harry states this stipulation started in September of 2014, and is set to complete in 2019.**

**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 March 3, 2016.**

**9:50 A.M.**

**Dr. Jared Hemmert, Probationary Interview**

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

Dr. Hemmert states he is doing well, he has found a couple of employment opportunities that need to be discussed today.

**Dr. Aste asks if Dr. Hemmert continues to work with a sponsor.**

Dr. Hemmert states he meets with his sponsor once a month and attends 2-3 meetings a week.

**Ms. Harry states the division has not received the supervisor and employer reports for October. Ms. Harry states the September and November therapist report have not been received either.**

Dr. Hemmert states the supervisor and employer reports were sent by the office manager and he resent the reports via email this morning.

**Ms. Harry requests that the therapist email the missing reports.**

**Dr. Aste states that due to the short notice of the practice plan the board did not have time to review the requested changes. Dr. Aste suggests that such changes be submitted well before the meeting date.**

Dr. Hemmert states he understands the need for information to be submitted early; this opportunity

presented last week.

**Dr. Aste asks about the offer at the Center for Dental Professionals.**

Dr. Hemmert states at his current location he works one or two days a week. Dr. Hemmert state The Center for Dental Professionals have interviewed him, they have received his stipulation, and Dr. Lobrot would act as supervisor.

**Dr. Aste asks when Dr. Hemmert would begin work.**

Dr. Hemmert states he would start as soon as approval is given by the board, working two days a week. Dr. Hemmert states he would work at both his current practice location and the new location if approved.

**Mr. Marx states he was able to review the practice plan and it complies with the stipulation.**

**Dr. Aste made a motion to approve the submitted practice plan. Ms. Reich seconded the motion. The board vote was unanimous.**

**Dr. Aste asks Dr. Lobrot about his understanding of the role as Dr. Hemmert's supervisor.**

Dr. Lobrot states he has read the stipulation. Dr. Lobrot states he feels he understands the role and has no questions.

**Dr. Aste states it is important that all reports are received on time and that the supervisor feel comfortable to critique and guide Dr. Hemmert.**

Dr. Lobrot states he understands the importance.

**Dr. Beyeler asks about the office standard for nitrous.**

Dr. Lobrot states the nitrous unit, as well as the prescription pads are locked in a safe.

**Dr. Aste made a motion to approve Dr. Lobrot as Dr. Hemmert's supervisor. Dr. Poulson seconded the motion. The board vote was unanimous.**

**Dr. Aste states Dr. Hemmert is not compliant at this time as the reports have not been received.**

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

**10:10 A.M.  
Break**

**10:25 A.M.  
Volunteer Time for Continuing Education**

**Mr. Marx states the division's view on this is that continuing education requirement is to improve the skill and knowledge of the licensee. Mr. Marx continues that while volunteer time is a good endeavor it is against the legislative intent of continuing education.**

**Dr. Beyeler states as a board a vote will need to occur to approve or deny the request.**

**Dr. Aste asks if a maximum amount of time would be allowed for this requirement.**

**Dr. Bowen states a total of 8 volunteer hours equaling two continuing education hours was discussed.**

**Dr. Poulson states a when a dentist volunteers there is no formal education provided.**

**Dr. Aste states that the intent of the proposal was to encourage more humanitarian work- using continuing education hours as an incentive.**

**Dr. Aste made a motion to accept the proposal of four hours of service to qualify for one continuing education hour with a maximum of two continuing education hours for one renewal period. Ms. Sliwinski seconded the motion. The board vote was 6 in agreement and 1 against.**

**Mr. Marx states he will compose a rule for review.**

**10:45 A.M.**

Dr. James Morgan, Probationary Interview

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

Dr. Morgan states things are going well and his court requirements have been completed.

**Dr. Bowen states the therapist report has not been received.**

Dr. Morgan states he was under the impression the report had been sent, Dr. Morgan states he will request the report to be resent.

**Dr. Bowen asks how Dr. Morgan was connected with program center for Professional Education of Physicians.**

Dr. Morgan states the stipulation requires he complete an ethics course. Dr. Morgan states the PRIME course only accepts physicians and the PROBE course declared he did not fit with their program.

**Dr. Bowen states the Professional Education of Physicians course is approved by the board and division.**

Dr. Morgan states his therapist recommended that Dr. Morgan no longer attend sessions with him, with the understanding that he continue the AA meetings.

**Mr. Marx states the division has to refer to the stipulation which would require another four months of therapist reports.**

**Dr. Beyeler states the board would like a log that indicates all the meetings that Dr. Morgan attends.**

**Dr. Aste asks Dr. Morgan about the use of chaperones in clinical practice.**

Dr. Morgan states the chaperones are comfortable with their role. Dr. Morgan states if there is a weekend call he will contact the chaperones; if a chaperone is not

available he will not set up an appointment.

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

**Ms. Sliwinski made a motion that supervisor reports be submitted quarterly. Dr. Bowen seconded the motion. The board vote was unanimous.**

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

**11:05 A.M.**

Dr. Brandon Tayler, Probationary Interview

**Ms. Sliwinski conducted the interview asking Dr. Tayler to explain the missed drug test.**

Dr. Tayler states he was invited to Colorado with a friend for a three day period. Dr. Tayler states as he was selected to test the day prior to leaving he had assumed he would not be selected to test again. Dr. Tayler states he was unable to return to a test site by the time the testing center closed.

**Ms. Sliwinski asks about a letter sent to the board concerning a report of medication being taken.**

Dr. Tayler states while he was at a relative's house he developed a migraine and was offered Tylenol. Dr. Tayler states after taking the medicine he was informed that it was Tylenol #3. Dr. Tayler states he reported the event to Ms. Harry. Dr. Tayler states he is unaware if it was standard Tylenol or a Tylenol #3.

**Ms. Sliwinski states with the two events occurring in a short amount of time Dr. Tayler is not in compliance.**

**Ms. Harry states the drug screens will increase due to the missed test.**

**Dr. Beyeler states the board does recognize and appreciate the proactive actions taken with the migraine event.**

**Dr. Aste asks about Dr. Tayler's practice.**

Dr. Tayler states the practice is going well, the supervisor visits the office weekly and reviews the required charts.

**An appointment was made for Dr. Tayler to meet with the board on March 3, 2016.**

**11:25 A.M.**

Dr. Richard Shulze, Probationary Interview

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

**Dr. Shulze state he would like to discuss some recent events off the record.**

- Meeting closed in accordance with the Open and Public Meetings Act, 52-4-250(1)(a) to discuss the character, professional competence or physical or mental health of an individual.
- Dr. Aste made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-250(1)(a) to discuss the character, professional competence or physical or mental health of an individual. Ms. Reich seconded the motion. All board members voted in favor of closing the meeting. Meeting was closed at 11:37 a.m. The meeting was opened at 12:04 p.m.

**Ms. Rushton states Dr. Shulze is not compliant as he has missed several check-ins.**

**Dr. Aste asks about Dr. Shulze's plans if he were to stop working at Roseman University.**

Dr. Shulze states he has considered creating dental education courses or possibly returning to school.

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

**11:45 AM  
ADEX/CITA**

**Dr. Aste contacts Dr. McVea from CITA. Dr. Aste asks Dr. McVea to discuss CITA's relationship to ADEX.**

Dr. McVea state CITA administers the ADEX exam. Dr. McVea states the ADEX exam is administered by CITA and CDCA.

**Dr. Aste asks about CITA examiners and the**



**Dr. Aste asks about CITA examiners and the calibration system.**

Dr. McVea states CITA has an online calibration system that all examiners must take. Dr. McVea states CITA has an onsite calibration system that is founded with Turning Point software, the calibration is calculated by reaction and results of the calibration are instantly available.

**Dr. Aste asks if cyclometric results are kept for each examiner.**

Dr. McVea confirms cyclometric are kept for every examiner.

**Dr. Aste asks if evaluators are board members or practicing dentists.**

Dr. McVea states examiners include state board members, retired practitioners, practicing dentists that are in good standing. Dr. McVea continues stating if an educator is an evaluator the test would not be given at the school which they teach.

**Dr. Bowen asks if Dr. McVea is familiar with the WREB exam.**

Dr. McVea states he is aware that there are some differences in the two exams. One difference is the ADEX exam includes a hands on portion while the WREB does not require that portion.

**Dr. Bowen asks what procedures are done on live patient.**

Dr. McVea states there are four procedures available including a perio exam, which is optional for the student. Dr. McVea states there is a computerized portion of the exam as well.

**Ms. Sliwinski asks how many examiners validate an error.**

Dr. McVea states two of the three examiners have to

**Dr. Aste asks how it is determined if the exam is passed.**

Dr. McVea states portions of the exam can be pass or fail. Dr. McVea states they can retake the failed portion. Dr. McVea continues if the candidate does not complete a portion of the exam within three attempts they will need to retake the entire exam.

**Ms. Sliwinski asks how many member state CITA has.**

Dr. McVea states six or seven mostly in the southeast. Dr. McVea states there are some logistical problems with accepting the CDCA and not CITA as both administer the ADEX exam.

**Dr. Aste thanks Dr. McVea for his time.  
Dr. Aste states the board must consider whether the administration is a competent method.**

**The board request the discussion continues at the next meeting to allow time to consider the exam.**

**DISCUSSION ITEMS:**

Anesthesia Taskforce Update

Investigation Process

**This item is tabled for the March meeting.**

**Mr. Marx introduced Mr. Furlong and Mr. Newkirk from the division investigations department.**

**Mr. Furlong states there has been one felony filing in each of the last three years. An administration filing is what would result in a probation status. Mr. Furlong states letter of concern are considered minor violations that are not severe enough to result in probation as a warning.**

**Dr. Bowen asks how these concerns come to attention of the division.**

**Mr. Furlong states a complaint is filed and an investigation determines the level of response. Mr. Furlong states dental complaints result in about**

**2% of all division complaints.**

**Ms. Sliwinski asks about the diversion program.**

**Mr. Furlong states it is a non-public process, the licensee has to meet certain qualification and sign a diversion contract.**

**Dr. Bowen asks if those that are investigated are informed of all the options.**

**Mr. Furlong states the investigator, the manager, the investigation supervisor, and the chief investigator meet about the individual case and what the course of action will be.**

**Mr. Furlong states the investigators receive complaints from the public, the profession, law enforcement, DOPL staff; each complaint is logged, reviewed, and its priority determined.**

**Mr. Furlong states an investigation can result in a citation, a meeting with the board, or a verbal warning. More formal action would include public reprimand, hearing, stipulation and order, suspension, or revocation.**

#### Reinstatement Rule

**Mr. Marx states that at the last meeting an applicant had requested reinstatement of her license after nineteen years of not practicing. Mr. Marx state the board had recommended the applicant retake a regional exam prior to the division issuing a license. Mr. Marx states currently there are no requirements established in the practice act rule to create a standard for similar applications.**

**Dr. Bowen asks if other states have similar requirement.**

**Mr. Marx states he will investigate other state requirements and the discussion will resume at the next meeting.**

#### Probationer Appointments

**Dr. Beyeler states some of the probationers attend every meeting and are compliant every meeting.**

**Dr. Beyeler suggests that the board agree on how often compliant probationers are to attend meetings.**

**Dr. Bowen suggest that as the board is determining if the probationer is compliant or non-compliant they can decide on the next meeting date.**

**Dr. Aste states the board had discussed that the first full year of probation the probationer should attend every meeting.**

**Ms. Rushton suggests that once a probationer has been compliant for a complete year they may be seen every six months.**

**Dr. Aste states every probationer should be seen at least once a year.**

**Dr. Beyeler states this type of change would allow the board time to discuss items other than probationers.**

**NEXT MEETING SCHEDULED FOR:** March 3, 2016


**ADJOURN:** The time is 1:55 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.*

3-3-16  
Date Approved

2/10/2016  
Date Approved

  
Chairperson, Utah Dentist & Dental Hygienist  
Licensing Board

  
Bureau Manager, Division of Occupational &  
Professional Licensing