MINUTES UTAH DENTIST & DENTAL HYGIENIST MEETING

March 22, 2019
Heber M Wells Building
North Conference Room 1st Floor- 9:00 A.M.
Salt Lake City, UT 84114

CONVENCED: 9:02 A.M.

DOPL STAFF PRESENT:
 Bureau Manager: Larry Marx
 Board Secretary: Lisa Martin

BOARD MEMBERS PRESENT:
 Leonard R. Aste, DDS Chairperson
 Kathleen Harris, RDH
 Todd C. Liston, DDS
 Melinda L. Reich, RDH

BOARD MEMBERS NOT PRESENT:
 Shannon Sorensen, DDS

GUESTS:
 Kathleen Young, UVU
 Kim Michelson, UDOH
 Richard Engar, PIE

ADMINISTRATIVE BUSINESS:
 Call Meeting to Order
 Dr. Aste called the meeting to order at 9:02 a.m.

Read and Approve January 11, 2019 Minutes (0:02)
 Dr. Liston made a motion to accept the minutes with revisions as stated.
 Dr. Poulson seconded the motion.
 The Board motion passed unanimously.

APPOINTMENTS:
 Investigation Update (0:05)
 Mr. Hunsaker reviewed the dental investigation report as provided.

KoriAnn Fausett, Compliance Report (0:14)
 Ms. Porter has 8 missed tests, six positive tests, 29 missed check-ins, and has not submitted required reports.
Dr. Morgan has submitted all required reports. Dr. Morgan has submitted a written request for early termination from probation.

Dr. Shulze has submitted all required reports and has 1 missed test.

Dr. Tayler has all negative tests and has submitted all required reports.

Dr. Wolfgramm has submitted all required reports and all tests are negative.

Dr. Vincent has submitted all required reports and all tests are negative.

MS. CORI PORTER, PROBATIONARY INTERVIEW (0:43)
Dr. Liston asked how Ms. Porter is doing.

Ms. Porter stated she is currently in treatment at the Cornerstone facility. Ms. Porter stated it is an out-patient treatment center. Ms. Porter stated she was recently assigned a therapist to create a schedule.

Dr. Liston asked about the length of the program.

Ms. Porter stated the program can range from three to six months.

Dr. Liston asked about Ms. Porter’s positive tests, recommending the meeting be closed to discuss personal details of recovery treatment.

Dr. Liston made a motion to close the meeting 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.

Ms. Reich seconded the motion.

All Board members voted in favor of closing the meeting.

The meeting was closed at 9:50 a.m. The meeting was opened at 10:10 a.m.

Dr. Liston made a motion to suspend Ms. Porter’s license.

Dr. Poulson seconded the motion.

The Board motion passed unanimously.

The Board requested Ms. Porter continue communication with the Division, check-in with the Affinity program, and show negative drug tests.

An appointment was made for Ms. Porter to meet with the Board on June 7, 2019.

DR. JAMES MORGAN, PROBATIONARY INTERVIEW (0:49)
Dr. Poulson conducted the interview stating the Board has received the written request to end probation early.
Dr. Aste asked Dr. Morgan about his experience on probation and with the Board.

Dr. Morgan stated he started the process with bitter emotions and felt attacked by the Board. Dr. Morgan stated after the required boundaries course he viewed his actions differently. Dr. Morgan stated he appreciates his staff and the Board members for their support.

Dr. Aste asked if the polices that have been implemented at the office will remain after Dr. Morgan is off of probation.

Dr. Morgan stated none of the clinic polices will change with a change of probation status.

Dr. Poulson made a motion recommending early termination of probation.
Ms. Harris seconded the motion.
The Board motion passed unanimously.

DR. RICHARD SHULZE, PROBATIONARY INTERVIEW (1:41)
Ms. Reich conducted the interview asking how Dr. Shulze is doing.

Dr. Shulze stated he continues to work full-time at Stone Haven Dental.

Ms. Reich asked about the missed test.

Dr. Shulze stated the first test he scheduled after starting at Stone Haven was through a mobile test unit that did not show up.

Ms. Fausett stated the testing agency communicated that Dr. Shulze did not finalize the request for an appointment.

Dr. Shulze disagreed with the statement from the testing agency.

Ms. Fausett suggested Dr. Shulze self-test if similar issues with testing occur in the future.

Ms. Reich stated at the last meeting Dr. Shulze requested the controlled substance license be reinstated and the Board requested full compliance prior to approving the reinstatement.

Dr. Liston made a motion approving the Stone Haven Dental practice plan.
Dr. Talbot seconded the motion.
The Board motion passed unanimously.

Ms. Reich made a motion approving Dr. Eric Tobler as the supervisor.
Ms. Harris seconded the motion.
The Board motion passed unanimously.
The Board determined Dr. Shulze is in compliance with his stipulation.

An appointment was made for Dr. Shulze to meet with the Board on June 7, 2019.

**DR. BRANDON TAYLER, PROBATIONARY INTERVIEW (1:29)**

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

Dr. Tayler stated nothing has changed.

Dr. Aste stated at this time it appears that something has changed as Dr. Tayler is in compliance.

Dr. Tayler stated he doesn’t view things that way; he is just doing the best he can.

Dr. Aste asked about Dr. Tayler’s meeting attendance.

Dr. Tayler stated he continues attending meetings as required. Dr. Tayler stated he attends two PIR meetings and two AA meetings a month.

Dr. Aste asked about Dr. Tayler’s relationship with his supervisor.

Dr. Tayler stated he meets with his supervisor via phone often.

Dr. Aste asked if Dr. Tayler finds the stipulation restrictive.

Dr. Tayler stated he has found challenges with insurance due to the probation status; however he is dealing with it.

Dr. Aste asked if Dr. Tayler understands the role of the compliance specialist is to assist probations with fulfilling the requirements in the stipulation and it is expected that the Division staff is to be treated with respect.

Dr. Tayler stated he will follow-up with items that need to be followed-up with. Dr. Tayler stated he does not feel he was disrespectful.

Ms. Reich stated Dr. Tayler is addressing the Board with a disrespectful tone.

Dr. Tayler stated he is defensive after the last meeting.

Dr. Aste stated the discussion and motion at the last meeting was based upon continuous non-compliance. Dr. Aste stated the motion that passed at the last meeting will continue to apply.

The Board determined Dr. Tayler is in compliance with his stipulation.
An appointment was made for Dr. Tayler to meet with the Board on June 7, 2019.

**DR. OWEN WOLFGRAMM, PROBATIONARY INTERVIEW**

Dr. Wolfgramm was unavailable and excused for his appointment.

An appointment was made for Dr. Wolfgramm to meet with the Board on June 7, 2019.

**DR. DRAKE VINCENT, PROBATIONARY INTERVIEW (1:09)**

Ms. Harris conducted the interview asking how Dr. Vincent is doing.

Dr. Vincent stated he has been sober for three years and he has a good support system. Dr. Vincent stated his practice is doing well and there are good policies in place.

Dr. Aste asked about a dental practice that Dr. Vincent recently sold.

Dr. Vincent stated he owned the practice however he was not an operator in the practice. Dr. Vincent stated the sale of the practice was final in November and he had been working on closing all accounts connected with the practice. Dr. Vincent stated there were communication issues concerning patient charts; which were thrown away due to the miscommunications. Dr. Vincent stated it was his understanding that the files that were being disposed of were financial records.

Dr. Aste asked about the status of the patient records.

Dr. Vincent stated the records were recovered and they are the property of the purchaser. Dr. Vincent stated he is unaware of the current status of the records. Dr. Vincent stated to his knowledge the records were not compromised during the events.

The Board determined Dr. Vincent is in compliance with his stipulation and order.

**DR. S. DALE Hibbert, REINSTATEMENT APPLICATION REVIEW (1:54)**

Dr. Liston asked how Dr. Hibbert is doing.

Dr. Hibbert stated he attended a sedation course with the White Cap Institute.

The Board requested Dr. Hibbert complete the CTP portion of the Western Regional exam and demonstrate clean random drug tests prior to reinstating the license.

Mr. Marx stated he will compose a stipulation prior to the next meeting.

An appointment was made for Dr. Hibbert to meet with the board on June 7, 2019.

**DR. GUY SHAMPAINE, CDCA (0:25 & 2:20)**
The Board welcomed Dr. Shampaine to the meeting.

Dr. Poulson stated there have been issues with self-impression orthodontics companies. Dr. Poulson stated CDCA offers a dental therapist exam. Dr. Poulson stated there was discussion concerning fines established by state Boards.

Mr. Marx stated the Utah Dental Board does not have citation authority. Mr. Marx stated a change in this matter is a legislative decision.

Dr. Liston made a motion to create a letter to the OPLER committee to add fine authority to the role of the Board. Ms. Reich seconded the motion. The Board motion passed unanimously.

Dr. Shampaine lead a discussion from the presentation as provided.

DISCUSSION:

PROPOSED RULE CHANGE (4:06)

Dr. Aste asked for feedback on the current draft of the rule change.

Dr. Poulson asked about the Class B permit section of R156-69-202 asking what those that currently have a class 2 license will need to provide to convert to a class B license.

Mr. Marx stated any providers that currently have a class 2 will be grandfathered over to a class B.

Dr. Engar asked if those that currently hold a class 2 that request a class C will need anesthesia documentation as the class C permitted allows nitrous and one enteral drug. Dr. Engar stated those covered by PIE for oral sedation are required to submit documentation of a full-day course.

Dr. Michelson stated some dentists with a class 2 license do not use nitrous however; they do prescribe a mild sedative to a nervous patient which would require a class C license according to the rule change.

Dr. Radmall reviewed the ADA requirements for minimal sedation.

Mr. Marx stated individuals graduating from dental school should be obtaining the training and education for up to a class C license; however they will be able to choose which class to apply for. Mr. Marx stated those that are currently licensed will be able to choose which license to convert to based upon what license they currently hold. Mr. Marx stated those with a class 2 would qualify up to a class C. Mr. Marx stated those with a class I would qualify for an A or will be able to show they have nitrous training to qualify for the class B.
Dr. Aste requested the requirement of documentation of nitrous and enteral education to obtain a class C license to ensure compliance with the ADA use guidelines.

Dr. Engar supported the request stating all providers should have a certificate.

Dr. Liston read from the ADA guidelines from administration of enteral and/or combination inhalation-ental minimal sedation-combined minimal sedation to patients in a clinical setting in a safe and effective manner.

Dr. Radmall stated his opposition of requiring enteral education documentation to be submitted for the class C license.

Mr. Marx stated section R156-69-502(2)(c) will be revised for clarity. Mr. Marx stated the suggestion to revise the definition of 'specialty area' in R156-69-102(32) to remove the list of specialties.

Dr. Poulson requested the 's' be removed from restoration in section R156-69-302b. Dr. Poulson asked if under section R156-69-603(7) dental assistants cannot take crown and bridge impressions.

Dr. Liston requested that electronic impressions be an exception to the list of items that dental assistants are restricted from completing.

Dr. Aste suggested adding injections of any type to the section R156-69-603 of the rule.

Dr. Poulson made a motion approving the rule changes with amendments as stated. Ms. Reich seconded the motion. The Board motion passed unanimously.

**BOTOX (3:10)**

The Board welcomed Dr. Griffin to the meeting.

Dr. Griffin lead a discussion from the presentation as provided.

Dr. Engar reviewed the Board opinion from 2008 which stated Botox should be used for therapeutic use only. Dr. Engar suggested a Board motion stating approval of the use of Botox for cosmetic purposes.

Dr. Radmall suggested including the requirement that qualified training be defined as well as who in the profession are approved to administer Botox.

Mr. Marx read from the Utah Dentist and Dental Hygienist Practice Act defining the practice of dentistry. Mr. Marx stated it may not fall within the definition of the practice of dental hygiene. Mr. Marx suggested the Board compose a rule clarifying the recommended education.
Dr. Liston made a motion determining that Botox and dermal fillers are acceptable for facial cosmetic purposes within the dental scope of practice, the dentist must be able to demonstrate competency by completing a PACE or CERP course, or other training as defined by rule composed of a minimum of 8 hours including a hands-on component. Dr. Poulson seconded the motion. The Board motion passed unanimously.

RADIOLOGY COURSES (5:02)
The Board reviewed the Wasatch Dental Assisting Academy radiology course and determined the course meets the requirements in the practice act rule.

Dr. Aste suggested adding information concerning portable, handheld x-ray machines.

Ms. Harris made a motion approving the course with the addition of portable x-ray units. Dr. Poulson seconded the motion. The Board motion passed unanimously.

Dr. Poulson made a motion to change the requirements in R156-69-604 to include safety use of portable x-ray equipment. Dr. Liston seconded the motion. The Board motion passed unanimously.

NOT ON THE AGENDA (5:08)
Mr. Marx stated the University of Utah is offering a wellness caravan which would include dental students performing screening exams with a faculty member supervising via tele-dentistry. Mr. Marx stated the exemptions in 58-1-307 allow students to engage in regulated occupations while in training to the extent that there is supervision.

Dr. Michelson stated the concern of the utilization of general supervision rather than on-site supervision.

Dr. Liston advised a dentist should be on site with the students that are completing the screenings.

CORRESPONDENCE:
DERB Update (0:59)
Dr. Aste stated the CPT portion of the exam is available for dentists that have not been in practice and are seeking to enter back into the profession. Dr. Aste stated there are education programs that are teaching the European method of classifying periodontal disease.

HERB Update (0:24)
Ms. Harris stated dental therapy is now being practiced in Arizona.
NEXT SCHEDULED MEETING: JUNE 7, 2019

ADJOURN:
Meeting adjourned at 3:10 P.M.

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.

6-7-19 (ss)
Date Approved
Chairperson, Utah Dentist & Dental Hygienist Licensing Board

6-7-19 (ss)
Date Approved
Bureau Manager, DOPL