

## **MINUTES UTAH DENTIST & DENTAL HYGIENIST MEETING**

December 6, 2019  
Heber M Wells Building  
Room 474- 4th Floor- 9:00 A.M.  
Salt Lake City, UT 84114

CONVENED: 9:03 A.M.

ADJOURNED: 1:10 P.M.

### **DOPL STAFF PRESENT:**

Bureau Manager: Larry Marx  
Board Secretary: Lisa Martin  
Board Secretary: Bobbie Loy

Compliance Officer: Neena Bowen  
Investigator: Matthew Hunsaker

### **BOARD MEMBERS PRESENT:**

Leonard R. Aste, DDS Chairperson  
Kathleen Harris, RDH  
Daniel Poulson, DDS  
Shannon Sorensen, DDS  
Ron Bowen, DDS

Bryon Talbot, DDS  
Gloria Miley  
Melinda L. Reich, RDH  
Jason Chandler, DMD

### **BOARD MEMBERS NOT PRESENT:**

### **GUESTS:**

Darren Chamberlain, UDA  
Kathleen Young, UVU  
Olivia Banks, UVU  
Jalisa Jeui, UVU  
Courtney White, UVU  
Lindsay Whipple, UVU  
Holly Cook, UVU  
Heather Merrill, UVU

Jennifer Fredricksen, UVU  
Richard Engar, PIE  
David Alvora, PIE  
Kim Michelson, UDOH  
Jason Chandler, UADOMS  
Jamry Watson, UAO  
Brenda Fuell, UDHA  
Michelle Martin, UDOH

### **ADMINISTRATIVE BUSINESS:**

#### **Call Meeting to Order**

**Dr. Aste called the meeting to order at 9:03 a.m.**

#### **Read and Approve September 6, 2019 Minutes (0:02)**

**Ms. Reich made a motion to accept the minutes with revisions as stated.**

**Ms. Harris seconded the motion.**

**The Board motion passed unanimously.**

## **APPOINTMENTS:**

### **Investigation Update (0:04)**

**Mr. Hunsaker reviewed the dental investigation report as provided.**

### **Neena Bowen, Compliance Report (0:08)**

**Dr. Tayler has no missed check-ins and all reports have been submitted.**

**Dr. Shulze has four missed check-ins and has submitted all required reports.**

**Dr. Wolfgramm has no missed check-ins and all reports have been submitted.**

**Dr. Drake Vincent has been released from probation from the Physician Board.**

**Dr. Hibbert has all negative tests and has submitted all required reports.**

**Dr. Christensen will have his initial interview with the Board. Dr. Christensen has three negative tests. The required evaluation has not been submitted. Dr. Christensen submitted a CV for a proposed supervisor.**

### **DR. BRANDON TAYLER, PROBATIONARY INTERVIEW (0:32)**

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

Dr. Tayler stated he continues to work five days a week and attends two meetings a week.

**Dr. Aste asked if Dr. Tayler has any concerns or stress entering the holiday season.**

Dr. Tayler stated he enjoys the season and is not worried about stressors.

**The Board determined Dr. Tayler is in compliance with his stipulation.**

**An appointment was made for Dr. Tayler to meet with the Board on March 6, 2020.**

### **DR. RICHARD SHULZE, PROBATIONARY INTERVIEW (0:45)**

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

Dr. Shulze stated he continues to work at Stonehaven Dental. Dr. Shulze stated he has applied to get the DEA license back. Dr. Shulze reviewed the office's prescribing standards and procedures.

**Dr. Bowen asked about the five missed check-ins.**

Dr. Shulze stated typically he checks-in when he gets to the office and he may be forgetting as they are busy.

**Dr. Bowen suggested changing the check-in habits to better succeed in the requirement.**

**Dr. Aste stated it appears that there is a level of desensitization or prioritizing the stipulation requirements.**

Dr. Shulze stated he plans on taking an additional day off next year. Dr. Shulze stated he continues to discuss the possibility of returning to Grandpa's Dental with minimal hours.

**Dr. Aste asked how Dr. Shulze is addressing the stress of being overworked, family stress, and the holiday season.**

Dr. Shulze stated he does see a therapist on a regular basis.

**The Board determined Dr. Shulze is not in compliance with his stipulation.**

**An appointment was made for Dr. Shulze to meet with the Board on March 6, 2020.**

#### **DR. OWEN WOLFGRAMM, PROBATIONARY INTERVIEW (0:59)**

**Ms. Reich conducted the interview asking how Dr. Wolfgramm is doing.**

Dr. Wolfgramm stated work and personal life have been busy. Dr. Wolfgramm stated he attends four meetings a month as well as therapy.

**Ms. Reich asked how Dr. Wolfgramm addresses stressors.**

Dr. Wolfgramm stated he incorporates breathing techniques and is able to step away for a few minutes when needed.

**Ms. Reich stated the Board has received a positive therapy report and shows no missed check-ins.**

**The Board determined Dr. Wolfgramm is in compliance with his stipulation and Order.**

**An appointment was made for Dr. Wolfgramm to meet with the Board on March 6, 2020.**

#### **DR. DRAKE VINCENT, PROBATIONARY INTERVIEW (1:08)**

**Ms. Harris asked how Dr. Vincent is doing.**

Dr. Vincent stated he has been granted early termination from the physician licensing Board. Dr. Vincent stated he continues to attend meetings and participates in random drug tests. Dr. Vincent requested early termination of probation from the Dental Board as well.

**Dr. Bowen made a motion recommending early termination from probation.**

**Dr. Talbot seconded the motion.**

**The Board motion passed unanimously.**

#### **DR. S. DALE HIBBERT, PROBATIONARY INTERVIEW (1:22)**

**Dr. Poulson conducted the interview asking how Dr. Hibbert is doing.**

Dr. Hibbert stated he is currently working at Dr. Horgenshimer's office under direct supervision. Dr. Hibbert requested the removal of the direct supervision requirement or approval to change supervisors to Dr. Spainhower who works in the office next door.

**Dr. Poulson stated the requirement of direct supervision is due to not practicing dentistry for four years.**

**Dr. Bowen asked if the current supervisor Dr. Horgenshimer had submitted any reports.**

**Ms. Bowen stated the last supervisor report was submitted on November 16 and there were no concerns included on the report.**

**Ms. Harris asked about the number of completed drug tests since starting probation.**

Dr. Hibbert stated the last two tests completed were hair tests.

**Mr. Marx stated the hair tests are able to show results up to 6 months of history.**

Dr. Hibbert stated he attends one recovery meeting a month and one therapy appointment a month. Dr. Hibbert stated the most stressful component

**Dr. Bowen made a motion to extend the requirement of direct supervision for at least three months subject to re-evaluation at the next meeting.**

**Dr. Talbot seconded the motion.**

**The Board motion passed unanimously.**

**Dr. Poulson asked Dr. Hibbert how he intends to meet the expectation of direct supervision.**

Dr. Hibbert requested that Dr. Spainhower be approved as the direct supervisor.

**Ms. Reich asked about the intended work load if Dr. Spainhower is approved as a supervisor.**

Dr. Hibbert stated he currently works two days a week seeing about five patients each day. Dr. Hibbert stated the intended workload would be no different.

**Dr. Poulson stated the Board would consider a change of supervisor; however, any supervisor would need to provide on-site direct supervision.**

Dr. Hibbert agreed to continue working at Dr. Horgenshimer's office for the next three months.

**Dr. Poulson asked Dr. Spainhower about his understanding of the role as a supervisor.**

Dr. Spainhower stated he is not fully aware of the expectation as a supervisor.

**Mr. Marx stated the role of the supervisor is to complete random chart reviews, act as a mentor, and submit monthly reports to the Division.**

Dr. Spainhower stated he is comfortable with the requirements as stated.

**Dr. Talbot made a motion approving Dr. Spainhower as an indirect supervisor once direct supervision is no longer required.**

**Dr. Sorensen seconded the motion.**

**The Board motion passed unanimously.**

**Ms. Harris asked about the section in the practice plan concerning on-call as it was discussed that Dr. Hibbert should not be on-call.**

Dr. Hibbert stated that Dr. Horgenshimer is present for all on-call patients. Dr. Hibbert stated he has completed a didactic portion of an anesthesia course and will complete a clinical course. Dr. Hibbert stated it is his intention to obtain the class III anesthesia license.

**Mr. Marx stated that the upgrade application would be reviewed by the Board prior to a change in the anesthesia level.**

**Dr. Poulson stated any supervisor approved by the Board will need to have the same anesthesia classification as Dr. Hibbert holds.**

**The Board determined that Dr. Hibbert is in compliance with his stipulation.**

**An appointment was made for Dr. Hibbert to meet with the Board on March 6, 2020.**

**DR. STEVEN CHRISTENSEN, INITIAL PROBATIONARY INTERVIEW (2:06)**

**Dr. Aste welcomed Dr. Christensen to the meeting and asked what has brought him before the Board.**

Dr. Christensen stated he does office based practice three or four days a week. Dr. Christensen stated he understands the stipulation and his purpose in being here is to make amends and regain a license in good standing. Dr. Christensen stated he was diverting medication for a period of two years. Dr. Christensen stated his was originally prescribe medication due to pain.

**Dr. Chandler stated the stipulation changed the license from a Class IV to a Class II anesthesia permit. Dr. Chandler asked how the change in anesthesia classification has effected the practice.**

Dr. Christensen stated the effect has been minimal as he has been contracted with a research group which requires local anesthesia and nitrous only. Dr. Christensen stated the staff is responsible for locking up the nitrous.

**Ms. Reich asked how Dr. Christensen is doing without the medication he was diverting.**

Dr. Christensen stated he is doing really well. Dr. Christensen stated he has fleeting thoughts of use however he is not tempted to return to use. Dr. Christensen stated he has completed the required evaluation.

**Ms. Bowen stated the evaluation had not been received when the meeting started.**

**Dr. Chandler asked Dr. Christensen about meeting attendance or therapy participation.**

Dr. Christensen stated he was waiting for the recommendations from the evaluation prior to moving forward with any meetings or requirements.

**Dr. Chandler asked about the required course**

Dr. Christensen stated he is not certain what courses are available.

**Mr. Marx stated the Division prefers probationers to seek out courses for themselves to best ensure the course meets the need of the individual.**

**Dr. Aste asked if this is the first time Dr. Christensen has been before the Board.**

Dr. Christensen stated he had met with the Board in the past for diverting Lortab.

**Dr. Aste stated prior to the next meeting Dr. Christensen will need to follow up with the evaluation and submit a practice plan.**

**Dr. Chandler asked about the proposed supervisor Dr. Smoot.**

Dr. Christensen stated he has known Dr. Smoot for several years and they use to work together.

**Dr. Aste asked Dr. Smoot what his understanding of the supervisor's role.**

Dr. Smoot stated he has read the stipulation however he is unsure of the role of a supervisor.

**Dr. Aste stated the supervisor reviews patient charts and submits reports to the Division concerning the progress and practice standards of Dr. Christensen. Dr. Aste asked if Dr. Smoot feels he would be able to provide a full report concerning Dr. Christensen given the long standing friendship.**

**Dr. Poulsom made a motion approving Dr. Smoot as a supervisor.**

**Ms. Miley seconded the motion.**

**The Board motion passed unanimously.**

**An appointment was made for Dr. Christensen to meet with the Board on March 6, 2020.**

## **TELE DENTISTRY (2:41)**

Dr. Aste welcomed Dr. Chamberlain from the Utah Dental Association and Dr. Jamey Watson from the Utah Association of Orthodontics.

**Mr. Marx provided the Board with a copy of the Utah telehealth rules.**

Dr. Chamberlain stated in 2017 the legislators passed a house bill which covered telehealth including teledentistry. Dr. Chamberlain stated orthodontics have concerns with the standard of care being provided with teledentistry. Dr. Chamberlain stated the importance of ensuring that providers offering teledentistry have a valid Utah license, practice in Utah, and have a standard of follow-up care. Dr. Chamberlain suggested the Board consider creating robust laws and rules to ensure proper standard of care in terms of teledentistry.

Dr. Watson reviewed recommendations established by the American Association of Orthodontists (AAO) including an initial in-person evaluation, disclosure of the license number, having contact information available, requiring the provider be licensed in the state of the patient is located and licensed in the state the provider is physically located.

**Dr. Aste asked about different options for clear line therapy.**

Dr. Watson stated some companies utilize dental providers who obtain a full set of dental records to create the clear liners. Dr. Watson stated other companies have the patient take self-molds to create the clear liners.

**Dr. Aste suggested creating a task force to compose rules for the Board to review.**

## **DISCUSSION:**

### **EMERGENCY DENTAL CARE (3:08)**

**The board welcomed Brenda Fuel to the meeting asking about the topic that has brought her before the Board.**

Ms. Fuel stated she has become aware of a lack of dental care within a hospital and urgent care settings. Ms. Fuel reviewed the practice act definition of a public health settings which does not include urgent care or emergency room.

**Dr. Aste stated as the location of the definition is within the practice act and not the rule. Dr. Aste stated any change to include hospitals, hospital emergency room or urgent care facility would need to be through the legislature.**

**The Board stated their support of including the discussed entities to the definition of public health setting in 58-69-102(8).**

### **RULE CHANGE UPDATES (3:37)**

**Mr. Marx stated the anticipated rule hearing will be late January or early February; this will allow providers to make changes with the renewal process. Mr. Marx stated the next graduating class will apply with the new license types. Mr. Marx stated it is the intent of the Division to attend the Utah Dental Association to discuss the changes in license types.**

### **EXAM UPDATE (0:17 & 0:37)**

**Dr. Poulson stated the CDCA has changes to the exam which allows a replication of class three in replacement of a live patient. Dr. Poulson stated the replication is fairly accurate.**

**Ms. Harris referred the Board to the written HERB summary. Ms. Harris stated the guidelines for exams are in discussion for changes in the near future.**

**Dr. Aste stated the DERB meeting discussed passing rates and changes in testing standards.**

### **DENTAL ASSISTANT RADIOLOGY COURSE REVIEW (3:33)**

**The Board reviewed the radiology course and quizzes.**

**Ms. Reich made a motion upon the revision to include information on the use of portable and handheld x-ray devices.**

**Dr. Poulsen seconded the motion.**  
**The Board motion passed unanimously.**

**CORRESPONDENCE:**

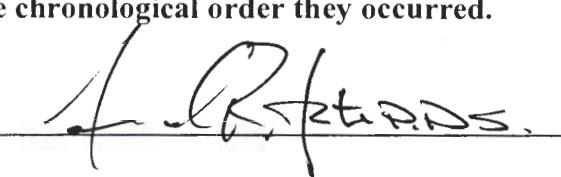
**NEXT SCHEDULED MEETING: MARCH 6, 2020**

**ADJOURN:**  
**Meeting adjourned at 1:10 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.**

03-04-2020

(ss)



**Date Approved**

**Chairperson, Utah Dentist & Dental Hygienist  
Licensing Board**

03-06-2020

(ss)



**Date Approved**

**Bureau Manager, DOPL**