

MINUTES

**UTAH
Chiropractic Physician Licensing Board
MEETING**

January 10, 2008

**Room 475 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:30 A.M.

ADJOURNED: 11:32 A.M.

Bureau Manager:

Daniel T. Jones

Board Secretary:

Lee Avery

Board Members Present:

Theodore J. Scott, DC, Chairperson
Lew Wheelwright, DC
James D. Knight, DC
Gordon McClean Jr., DC
Ed Sperry

Guests:

Tim Apgood

DOPL Staff Present

F. David Stanley, Division Director
Ms. Penny Vogeler, Board Secretary

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:
MINUTES:**

The minutes from October 11, 2007 were reviewed. Dr. James Knight motioned to accept the minutes, seconded by Dr. Gordon McClean. The motion carried unanimously.

DISCUSSION

Chiropractic Financial Obligations, Tim Apgood

Out of order on the Agenda

Mr. Apgood reviewed concerns regarding Chiropractic Physicians s spending money that has been placed in the retainer account before services have been completed on the patient and when the patient decides to stop the services, the Chiropractic Physician has spent the money and there is no money left to refund the patient. The Board discussed this in detail,

expressing many concerns. The Board discussed updating the statutes and rules to make it unprofessional conduct. Mr. Jones suggested the Association check with their attorneys and Mr. Jones will search the statutes and check with the Division attorneys and will update the Board at its next meeting.

The Board took no Action at this time

APPOINTMENTS:

Dr Michael Wimmer, Probation Interview

Dr. Wimmer is attending a seminar and is unable to keep his appointment with the Board

Dr. Gregory Futrell, Probation Interview

Dr. Futrell presented himself to the Board. Dr. Knight conducted the interview. Dr. Futrell advised the Board he is currently attending the Ethics course through Utah Valley State College (UVSC). He took the Ethics exam through the National Board of Chiropractic Examiners (NBCE) and the results have not been released yet. This takes about six (6) weeks. Dr. Futrell stated he has someone with him at all times when he is with a female patient and she makes notes in the charts. The Board reviewed the continuing education certificates Dr. Futrell submitted. The Board asked Dr. Futrell to bring in the additional continuing education when he meets with the Board again. The Board noted how well Dr. Futrell is doing, encouraged him to continue and asked to see him in July 2008.

In Compliance

Dr. Derek Birch, Probation Interview

Dr. Birch presented himself to the Board. Dr. Scott conducted the interview. Dr. Birch advised the Board he is currently attending the ethics course as requested. He is taking this course at the Salt Lake Community College. Dr. Birch gave the Board a syllabus for its review. Dr. Birch stated he will finish the course in April 08. He has been unable to take the Utah Law exam because the Division is changing testing vendors. He will sign up for this as soon as it becomes available. Dr. Birch advised the Board he has been in contact with Mr. Apgood regarding a mentor. He will advise the Board with a name when this has been completed. Dr. Birch stated his family has been very

supportive of him. He is feeling very good with the direction his life is going. The Board asked to see Dr. Birch in July 08. **In Compliance**

Dr. Keith Hansen, Probation Interview

Dr. Hansen is attending a seminar and is unable to keep his appointment with the Board.

Dr. Bruce Van Gunderson, Request to change Restriction

Dr. Gunderson requested to reschedule his appointment with the Board. Dr. Gunderson stated he would like to meet with the Board in April 08.

APPLICATION REVIEW:
Dr. Allen Williams, DC

Out of Order on the Agenda:

Dr. Williams advised the Board he has submitted an application for its review and he is here to answer any questions the Board may have. Dr. Williams advised the Board he surrendered his licenses in Arizona and Nevada. Dr. Williams stated he was on criminal probation for 2 years for domestic violence and has completed this probation. Dr. Williams stated the charges were all misdemeanor. He still holds his Alaska license. Dr. Williams stated he has completed Part IV of the National Board of Chiropractic Examiners (NBCE). After talking with Dr. Williams in detail, Dr. Knight motioned to grant the license, seconded by Dr. McClean. After a brief discussion the vote was six (6) to one (1), with Mr. Sperry opposing.

APPOINTMENT:

Dr. Richard Owen, Request with the Board for Licensure.

Mr. Jones gave the Board copies of Dr. Owen's file. Mr. Jones advised the Board Dr. Owen is before it to request the Board to consider approving a Utah Chiropractic Physician License for him. As the Board reviewed the information, Mr. Jones advised the Board Dr. Owen has not submitted an application for license at this time because of the seriousness of his criminal charges. Mr. Jones advised the Board it had the option of #1. Approve the request for licensure without restrictions, #2 Approve the request for licensure with restrictions or #3. Deny the request for licensure.

Dr. Owen gave the Board another packet for review. The Board talked with Dr. Owen in detail. Dr. Owen reviewed his history and how he chose to go into the Chiropractic field, noting he has continued to attend

continuing education seminars to include boundaries and ethics and two (2) years of counseling. He had a Psycho-sexual evaluation and this came back stating he was not a sexual deviant. Dr. Owen stated he had been providing unlicensed Chiropractic services pro-bono in Ohio. The Board listened to Dr. Owen's three character witnesses. After further discussion, Dr. McClean motioned to not accept an application, seconded by Mr. Sperry. No further discussion, the motion carried unanimously.

DISCUSSION:

Rule Change Proposal, Daniel T. Jones

The Board discussed the proposed rule changes, expressing concerns regarding newly licensed Chiropractic Physicians not being required to meet with the Board. Mr. Jones stated there is no authority in statutes to require newly licensees to meet with the Board. The Board noted it has determined continuing education requirements in the past and felt this requirement could be made part of the continuing education requirement. The Board noted there has been a seventy five percent (75%) drop in problems in States that have mandated new licensed Chiropractic Physicians meet with the Board during their first year of license. After further discussion, Mr. Jones stated he will send a letter inviting new licensees to meet with the Board however the Division has no authority to make attending Board meetings a requirement.

Chiropractic Physician Convention in Atlanta,
Daniel T. Jones

The Board briefly talked about the Convention in Atlanta, noting Dr. Scott will be attending at the expense of the National Board and he will be Utah's delegate. Dr. Wheelwright will attend and be Utah's delegate for the Federation of Chiropractic Licensing Board (FCLB). Dr. Scott noted they will be each others alternate. Mr. Jones stated the state will budget for two to attend, usually the Bureau Manager and one Board member, however, he will not attend so one more Board member could attend. Mr. Jones asked the Board to let him know as soon as possible who else wanted to attend.

Update, not on the Agenda:

Mr. Jones advised the Board Dr. Whitley admitted to the charges and asked to be granted one more

evaluation through another doctor. The Division granted this request with very strict guidelines. Dr. Whitley must have the evaluation completed within ninety (90) days from the date of the Hearing, December 13, 2007.

Mr. Jones advised the Board Dr. Hawkins was found guilty of three (3) felonies and will surrender his license Friday January 11, 2008.
Mr. Jones stated Dr. Hawkins is appealing the conviction.
Note* Dr. Hawkins surrendered his license as agreed.

Next regular Board meeting April 10, 2008

**The 2008 Boards have been scheduled:
April 10, 2008
July 10, 2008
October 9, 2008**

BUSINESS FROM PREVIOUS MEETING:

None

ADJOURN:

Motion to adjourn by Dr. Knight

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.

04/10/2008
Date Approved

(ss) Lew Wheelwright, DC
Chairperson, Utah Chiropractic Physician Licensing Board

04/10/2008
Date Approved

(ss) Daniel T. Jones
Bureau Manager, Division of Occupational & Professional Licensing