

**MINUTES**

**UTAH  
Chiropractic Physician Licensing Board  
MEETING**

**April 10, 2008**

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

**CONVENED: 9:06.a.m.**

**ADJOURNED: 11:25 a.m.**

**Bureau Manager:**

Daniel T. Jones

**Board Secretary:**

Penny Vogeler

**Board Members Present:**

Theodore J. Scott, DC, Chairperson

Lew Wheelwright, DC

James D. Knight, DC

Gordon McClean Jr., DC

Ed Sperry, Public Member

**Guests:**

Tim Apgood, Utah Chiro Physicians Assoc

Celest Rosquist. Dr. Ronald Rosquist

Christi Poll, Dr. Bruce Nielson

Tiffinee Steed, Dr. Bruce Nielson

Matthew Lewis, Dr. Bruce Gunderson

Shaleece Poll, Dr. Bruce Nielson

**DOPL Staff Present**

F. David Stanley, Division Director

Sally Canavan. Licensing Specialist

Diana Baker, Bureau Manager

Debbie Harry, Compliance Specialist

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

The minutes from January 10, 2008 were reviewed. A motion to accept the minutes was made by Dr. Knight and seconded. The motion carried unanimously.

**BUSINESS FROM PREVIOUS MEETING:**  
Retainer accounts for Chiropractic physicians.

As previously discussed in the prior Board meeting Mr. Jones was asked to look into the matter of concern regarding Chiropractic Physicians spending money that has been placed in a retainer account before services have been completed on the patient and the patient decides to stop the service, the physician has spent the money and there is no money to refund the patient. The Board discussed updating the statutes and rules to make it unprofessional conduct. Mr. Jones discussed this matter with the Division Attorneys. It was decided that the Division would not be getting involved in this matter. Dr. Knight asked if the Association wanted to become involved and make a standard, could something be done with it. Mr. Jones stated this would have to go to the Attorney General's office for discussion.

**Letters to new licensee's**

Due to the increase in violations resulting in the arrest, prosecution and ultimately loss of licensure for local chiropractors, Mr. Jones mailed letters to the twelve new Chiropractic Physicians recently licensed. This letter was inviting them to the Chiropractic Board Meeting scheduled for April 10, 2008 and also offering them CE for attending. The Board members were going to address the problem areas and the newly licensed chiropractors could experience a Board meeting and the interviews with the probationers now on probation with the Division. It was the hope of the Chiropractic Board the licensee's would take advantage of this opportunity. No new licensee's attended the meeting.

**Convention in Atlanta GA**

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. James Knight will be the other Board member to attend.

**Dr. Knight**

Dr. Knight asked about a few probationers he expected to see on the agenda this month. Mr. Jones brought the Board up to date on Dr. Whitley and Dr. Hawkins. 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 has surrendered his license as agreed.

Dr. Knectel has not contacted the Division or completed any more of his probation. Dr. Jones will be doing an Order to Show Cause.

**Debbie Harry, Compliance Specialist:**

Mr. Jones introduced Ms. Harry to the Board and discussed her position as Compliance Specialist. Ms. Harry discussed with the Board the new process and new filing system they will be using from here on out. Ms. Harry will be attending all Board meetings and bring the Board Members up to date on the status of each probationer.

**APPOINTMENTS:**  
**Probation interviews:**  
Dr. Ronald Rosquist

Dr. Lew Wheelwright conducted the interview with Dr. Rosquist and informed him he was **out of compliance** with the terms of his order. He has **not** sent in his employer evaluations. Dr. Rosquist agreed to fax in his reports today. It was Dr. Rosquist understanding he would be sent the forms from DOPL and he would submit them at that time. Ms. Harry informed him he needed to make copies of the form he was given and submit them prior to his next meeting with the Board. When asked how things were going with his business he stated he has lost all his insurance companies but that his practice seems to be going well. He stated he takes some time each day to go over what he has learned from his probation. He apologized for not being in compliance and for misunderstanding the program. He has completed his CE and has changed several parts of his practice. Mainly focusing on the patient and is aware he has others present in the room for the protection of the patient. He has been meeting with his mentor once a month, and finds this to be very helpful. He was asked to discuss the PACE exam and how it was conducted. Dr. Rosquist stated it consisted of group meetings and group discussion followed by home work assignments. There was a lot of Group discussion followed by each member stating

why they were here for this course. His wife stated she has seen a great deal of change in her husband for the better. She also stated she feels very positive about the process he has been required to go through. He will be faxing the employer reports to Debbie Harry quarterly. Ms. Harry is requiring the reports to be in on the 28<sup>th</sup> of the previous month prior to the next scheduled meeting. Mr. Rosquist will meet again in September.

**BOARD DISCUSSION:**

Dr. Scott discussed the matter of having an educational process on the matter of boundary issues to make the Chiropractors aware of the potential danger they are in before they are brought before the Board. Perhaps a seminar be presented through the association on boundary issues.

**NEW STIPULATION:**

Bruce Nielson

Dr. Nielson was interviewed by Dr. Knight. The purpose of this meeting is to go over the Stipulation with Dr. Nielson and the Board. The Board introduced themselves to Dr. Nielson. Dr. Nielson stated he had an accusation from a patient for a procedure that was done that put him in the position of unethical nature. Mr. Nielson appeared to be uneasy about the discussion taking place. Mr. Jones interrupted and stated that Dr. Nielson had signed a Stipulation for improper conduct agreeing to the charges and is here to make sure he understands that Stipulation.

The feelings of the Board were that by stating there was an allegation against him is not admitting to the charges. They wanted Dr. Nielson to be aware that the Board is here to help him. The Board requested he be more forthright so they can help him with his issues. Dr. Knight went through the stipulation and discussed with the Board that Dr. Nielson is now required to work under a chaperon for the next two years. He stated he brought two of those chaperons with him today and they were introduced to the Board. He is also required to keep a log of his patients. He is also in need of submitting a practice plan what he has done to educate his staff about their responsibilities. He stated they came into DOPL and met with representatives to discuss the role they will play with this procedure. Dr. Nielson had a question as to a

procedure that he performs on his patients requiring them to be in a gown. Dr. Knight reminded him the stipulation is talking about the practice of massage only in regards to the gowning. Dr. Nielson was asked to submit a practice plan to the Board for review. Ms. Vogeler stated she had an outline for a practice plan and she would get a copy to him. Dr. Nielson must also complete a professional boundary course. The Board stressed that the process of being on probation is not an easy one but it can be dealt with in a professional manner. The Board suggested he only practice in an open treatment setting, change the technique in question and be current on his continuing education. His next meeting will be July 10, 2008 and his paperwork would be submitted two weeks prior to that meeting.

**PROBATION INTERVIEW:**

Dr Michael Wimmer, Probation Interview

Dr. Wimmer came before the Board and was interviewed by Dr. McClean. He stated he had lost his father last December but is doing quite well with his practice. He was reminded he needs to submit employer reports. He needs to submit them every quarter and they need to be in on the 28<sup>th</sup> of the previous month. Dr. Wimmer is **not in compliance** with the terms of his order.

Dr. Keith Hansen, Probation Interview

Dr. Hansen came before the Board and was interviewed by Dr. Wheelwright. Ms. Harry reminded Dr. Hansen that she will be the one he needs to submit paper work to. He stated he is doing fine and is very excited about a new business adventure. Dr. Hansen stated he had purchased a new Ultra Sound Machine and is contracting with Physicians, Podiatrists as well as other Chiropractic Physicians. He is performing Diagnostic Ultra Sound. This is a portable unit and he takes it into the offices of physicians. He explained that he also reads the scans. He was asked if he is scanning female patients under 25 years of age. Dr. Hansen replied that his patient base does include females under 25 years of age. Dr. Wheelwright stated his order states he is to do no treatments on any females under 25 years of age. There is some question as to whether this new practice is in compliance with his order. Dr. Hansen explained that this is not therapeutic ultra sound, it is

diagnostic ultra sound. Dr. Wheelwright stressed the importance of his following the stipulation and making the physicians he is working for aware of his stipulation. It was suggested that he may want to hire an assistant to accompany him for his own protection, or perhaps a staff person from the doctor's office, that is aware of his stipulation, may be sufficient. Mr. Jones stated he is not required to do this but he should keep records of who chaperoned these procedures, and have it in writing. Mr. Jones will check with the Utah Attorney Generals Office to see if this type of work would be allowed under his Stipulation and Order and get back to the Board. Ms. Harry asked him to submit documentation that he had completed a medical ethics course. He stated he had submitted it to Mr. Jones last year. Mr. Jones will look into the matter and get back to Ms. Harry. Ms. Harry presented Dr. Hansen with her card and reminded him he is to have his paper work in to her by the 28<sup>th</sup> of the previous month. There was some discussion from the members of the Board as to who would be signing his employer's reports and submitting them to the Board. The Board feels he will need to have an individual who has read his stipulation and is aware of what the employer report entails and be designated to sign this report. Dr. Hansen will be seen again on October 9, 2008. The Board requested an attorney look into this matter before it becomes a problem. Mr. Jones asked the Board if Dr. Hansen would have to be a chiropractor to perform this procedure and the Board felt he was working under his chiropractic license so he must abide by his Stipulation and Order. Mr. Jones, again, stressed he would look into the matter with someone from the Attorney Generals Office.

Probation Interview;  
Bruce Van Gundersen

Had requested to meet with the Board and later canceled.

Letter from Joseph Rosado

The Board discussed a letter from Dr. Rosado. The issue with Dr. Rosado was that he was misleading the public by using the initials M.D., D.C. after his name on two IME's, and using the title "Physician" rather than "Chiropractic Physician" on a resume. The feelings of the Board are to advise Mr. Rosado to abide by his stipulation and denied the request. Mr. Jones will advise Mr. Rosado of the Boards decision.

**BUSINESS FROM PREVIOUS MEETING: None**

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

**ADJOURN: 11:25 a.m.**

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.*

07/10/2008  
Date Approved

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

07/10/2008  
Date Approved

(ss) Sally A. Stewart; Bureau Manager  
Division of Occupational & Professional Licensing