

MINUTES

UTAH Utah Chiropractic Board MEETING

October 9, 2008

Room 401, Fourth Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:17 a.m.

ADJOURNED: 1:10 p.m.

Bureau Manager:
Board Secretary:

Sally A. Stewart, Bureau Manager
Penny Vogeler, Board Secretary
Debbie Harry, Compliance Specialist

Board Members Present:

Lew Wheelwright, DC, Chairperson
James D. Knight, DC
Gordon McClean DC
Ed Sperry, Public Member

Guests:

DOPL Staff Present:

F. David Stanley, Division Director
Wayne Holman, Chief Investigator
Debbie Harry, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:
MINUTES:

The minutes from the 07-10-2008 meeting were discussed. A motion was made by Dr. Knight and seconded by Dr. Wheelwright to approve the minutes with corrections. Motion carried.

BUSINESS FROM PREVIOUS MEETING:

Dr. Knight and Ms. Stewart had discussed the issue of Keith Hansen and if he could do diagnostic ultra sound without a license. It was decided diagnosing was part of the practice of a chiropractor. Therefore his license must be kept active to do the diagnostic

ultrasound.

ADMINISTRATIVE BUSINESS:

Ms. Harry presented the probationers update for those being seen today. Ms. Harry stated the practice plan for Bruce Nielson had been approved by Ms. Baker in April of 2008. Ms. Harry wanted the Board to read through it and make sure it met their approval. A motion was made by Dr. Knight and seconded by Dr. McClean to accept the Practice Plan for Bruce Nielson. Motion carried. Ed Sperry was very concerned about the fact that Derek Birch is back on probation at this time. Ms. Stewart agreed to have someone from the AG's office (Mitchell Jones) discuss this matter. The issue of CIN-BAD was discussed and Ms. Harry stated she reports to them and would look into this issue. Once a stipulation has been issued CIN-BAD should be notified.

PROBATION INTERVIEWS:

Ronald Rosquist

Mr. Rosquist was interviewed by Dr. Wheelwright. His probation runs to 2012. He was asked to discuss the Ethics and Boundary course he had completed. He was also advised to discuss the stipulation with his chaperone. He is **in compliance** with his order. The next meeting will be April 9, 2009.

Bruce Nielson

Dr. Nielson was interviewed by Dr. James Knight. The Board feels Dr. Nielson is in denial and is not accepting he made a mistake and was out of line in his practice. He had recently attended a boundary course. Dr. Nielson was accompanied by his three new employees that will serve as chaperones in his practice. Dr. Nielson is **in compliance** and will be seen in January 2009.

Michael Wimmer

Dr. Wimmer was interviewed by Dr. Knight. He stated his practice is going very well. Dr. Wheelwright asked Dr. Wimmer to become more involved in other activities. He is **in compliance** with the terms of his order and will be seen in April.

Keith Hansen

Dr. Hansen was interviewed by Ed Sperry. He is presently doing ultrasound in Dr. Raleigh's office. He discussed the process of having a chaperone as part of his practice. Dr. Hansen was asked to include a signed chaperone form with each patient. This is to be placed in their file. Mr. Hansen is **in compliance** and

will meet with the Board in January.

Gregory Futrell

Dr. Wheelwright conducted the interview with Mr. Futrell. Due to boundary issues Mr. Futrell is presently working under a stipulation for the next three years. Dr. Wheelwright related to Dr. Futrell that he may want to become involved within the community and perhaps attend an Association Meeting. He stated his practice has double in the last few months. Dr. Futrell is **in compliance**. He will be seen in January 2009.

Derek Birch

Dr. Birch was interviewed by Ed Sperry. He is here initially with a stipulation from 3-19-07. He now has a new stipulation associated to billing unethically. He was billing for services not rendered. He admitted to authorizing this in his practice. He stated he has never had a successful business. He took full responsibility for his actions. Mr. Birch is here before the Board to ask to be allowed to practice again. Mr. Birch was accompanied by Dr. Robert L. Mechling DC, who would be supervising Dr. Birch. His business ethics are way out of line and the Board feels he needs extensive mentoring. The Board feels he needs to be in a joint practice with another Chiropractic Physician. It was recommended he return in January and present a practice plan. The Board must pre approve a plan and a supervising physician. Until this is completed Dr. Birch may not practice. The term co-managing a practice needs to be looked into for further discussion. Dr. Birch agrees he needs supervision and guidance and a person with a very high code of ethics. The Board asked Dr. Birch if he could put together a plan within the next week and a half and refer this to Ms. Harry for her to submit to the Board for approval. Dr. Birch stated his mind set has definitely changed since his completion of the ethics course. He is required to complete another course. His extended family has offered support and he is still trying to rectify the situation. It was also recommended by the Board that he is dealing with self esteem issues and would learn from seeking professional help. Dr. Birch license will be reinstated with a hold. He is **in compliance** with the term of his order. He will be seen in January.

Steven Garvert

Mr. Garver was interviewed by Dr. Wheelwright. Dr.

He is working under a cash only practice at this time. He is currently enrolled in an Ethics Course at Utah State University. He stated he is now working with Carol Haggan as recommended by the Board. She is reviewing his charts and he is moving on with the terms of his order. He is **in compliance** and will return in January.

Daniel Knechtel

Dr. Knechtel was interviewed by Dr. McClean. Dr. Knechtel discussed his previous stipulations. He knows he made some mistakes as far a DOPL is concerned but is here to make amends. He has recently been offered a position as a chiropractor. This made him aware that he needed to see where he stands with his license at this time. He has taken the speck test and would like to opportunity to practice again. It was the decision of the Board to amend the order with a probationary status including counseling. A motion was made by Dr. Knight to have Ms. Stewart draft a new MOU . Motion carried.

DISCUSSION ITEMS:
Use of retainers

Bob Downard: This discussion was tabled to the next meeting.

CORRESPONDENCE:
National Board of Chiropractic Examiners
(NBCE)

Dr. Wheelwright attended the National Board of Chiropractic Examiners (NBCE) in Greeley Colorado. He discussed the topics of importance from the meeting and had handouts for Ms. Stewart and also information he felt would be helpful for the investigations department. The felt this information was informational only not doctoral. Dr. Wheelwright stated the issue of "Can the state impose fines on violation" was a discussed and at the meeting and Ms. Stewart stated that in Utah the Chiropractic profession does not have that capability. Ms. Stewart informed the Board unless they intended to open the chiropractic physician act in the future there would be no way to have fine authority. This can not be placed in the umbrella act. It would have to be addressed in the Chiropractic Physicians Act. Ms. Stewart informed the Board it would be very advisable to e-mail her any topics they feel would be applicable and she would bring the attorneys together for discussion. Mr. Wheelwright informed the Board the Federation of Chiropractic Licensing Boards 2009 Fall Meeting

would be in Rapid City South Dakota. Also the FCLB 83rd Annual Educational Congress will be May 6-10, 2009 in Hollywood California.

ADJOURN: 1:10 p.m.

The meeting was adjourned for lunch. Board members then attended the Hearing for Todd Gary Singleton DC.

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.

Date Approved

(ss)
Chairperson, Utah Chiropractic Licensing Board

Date Approved

(ss)
Bureau Manager, Division of Occupational & Professional Licensing