

MINUTES

UTAH CHIROPRACTIC PHYSICIAN LICENSING BOARD MEETING

April 9th, 2009

Room 401 (fourth Floor) - 9:00 a.m.
Heber M. Wells Building
Salt Lake City, UT 84111

CONVENED: 9:05 a.m.

ADJOURNED: 1:45 pm.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

DOPL Staff Present:

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

Board Members Present:

Lew Wheelwright, DC, Chairperson
Edmund L. Sperry, Public Member
James D. Knight, DC
Gordon M. McClean, DC
Carlyle Bret Whittaker, DC

Board Members Absent:

None

Guests:

Michael Lindstrom, DC
Bruce Gunderson, DC
Larry Vance, DC, UCPA
Jeff Wheeler, DC
Craig D. Campbell, UCPA
Nolan B. (Brad) Jamison, DC
Staten C. Medsker, Jr., DC
Stanley Michael Cusak, DC

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from the January 8th, 2009 meeting were reviewed. A motion was made by Dr. McClean, seconded by Dr. Knight, to approve the minutes as written. The motion passed unanimously.

Swearing in of new Board Member:

Carlyle Bret Whittaker was sworn in by Ms. Stewart. Mr. Carlyle was welcomed by the members of the Board.

Debbie Harry, Probation Review

APPOINTMENTS:

Michael W. Wimmer

Ms. Harry presented her report of the probationers scheduled today. Ms. Harry suggested Mr. Porter use a different chaperone form than previously submitted.

Dr. Knight interviewed Dr. Wimmer. Dr. Wimmer is 2 ½ years into his probation. He works with a chaperone and sees his Bishop on a regular basis. A motion was made by Dr. Knight and seconded by Dr. McClean to adopt a standard chaperone form. It was suggested the design of the form be the responsibility of the compliance unit. The motion passed unanimously. He is scheduled to be seen October 8th, 2009. **Compliant**

Ronald L Rosquist

Dr. Wheelwright interviewed Dr. Rosquist. He stated his practice is up and down at this time. He has adapted to the loss of his insurance practice and stated his personal life is doing well. He is reviewing the PACE program every six months. His stressors have been minimal. He is current on his CE and meets with Dr. Conger twice a month “just for communication”. The Board felt he is committed to change. He is scheduled to be seen October 8, 2009. **Compliant**

Keith Sterling Hansen

Mr. Sperry interviewed Dr. Hansen. Things are going well. CE is current. He works in Dr. Rawlings office a few days a week with a chaperone. He is also reads muscular ultrasounds for a various physicians. He asked about reducing the frequency of his probations interviews. He will fax this to Ms. Harry. Dr. Hansen stated he feels he has a good support system. He is scheduled to be seen July 16th, 2009. **Compliant**

Gregory D. Futrell

Dr. Knight interviewed Dr. Futrell. He is current on his paperwork. It was suggested that he attend a formal conference or seminar and address issues and plans with a mentor. He now has his wife as his office manager. His paperwork was overdue when received. He is scheduled to be seen July 16th, 2009.

Non-Compliant

Kip C. Porter

Mr. Sperry interviewed Dr. Porter. Mr. Sperry went over the stipulation in detail. The Board discussed the chaperone form. He asked if DOPL can show him how to properly take care of this. He was told the compliance unit will be preparing a standard form. He submitted a course on boundaries for Board approval.

The course is an online course and not acceptable. The Board suggested several other courses being offered. Ms. Harry gave Dr. Porter the name of an ethics course approved by the Board. He will be attending a CPEP course in Colorado.

The Board took a stand with Dr. Porter, stating very firmly what he needs to do and why he is here. They feel he needs to accept responsibility for what he has done. He is self-employed. He was asked about his support network and stated he has his church and his family. It was suggested he join a professional group for support. He said he has many business stressors and deals with them with physical exercise. It was suggested he contact the CPEP course in Colorado again and admit what he has done and be honest; he also needs to ask if the course he is scheduled to take also has an ethics and boundaries segment. It was also suggested "not to hurry". Ms. Stewart reiterated the Board is here for support. He is scheduled to be seen July 16th, 2009. **Compliant**

BREAK

Mr. Stanley left the meeting at this point. A break was requested with the meeting to resume at 11:20 a.m.

Bruce C. Nielson

Dr. Knight interviewed Dr. Nielson. He has completed the requirements of his stipulation. He is very comfortable with using a chaperone but asked if it is necessary to have a chaperone for the entire two years of his probation. He was informed he may request an early release from probation and the Board will consider it. He feels communication with his staff and his wife has improved. He is scheduled to be seen July 16th, 2009. **Compliant**

Daniel D. Knechtel, Jr.

Dr. McClean interviewed Dr. Knechtel. He is a new father and working with his brother in a chiropractic office with no closed doors. He stated he is enjoying it very much. He is current on his supervisor reports. He participated in a therapy interview and feels he got a lot out of it. He was given books to read and completed a test, but stated he has only seen the therapist once. The Board advised him to continue with therapy and submit reports at least every 6 months. He asked if he could satisfy the ethics course with the CE courses he had previously taken from Dr. Knight and Dr. McClean. Dr. Wheelwright suggested he take an

actual Ethics and Boundaries Course. Dr. McClean spoke on professionalism and self perception. He is scheduled to be seen July 16th, 2009. **Compliant**

Steven Scott Garvert

Dr. Wheelwright interviewed Dr. Garvert. He submitted a request for early termination and requested that at a minimum his visits changed from every meeting to every other meeting. It was suggested he speak with Carol Hagan about getting the chart reviews in on time so he can be compliant. The Board feels that overall he has come to grips with his situation and deals with it on a regular basis. His income, mostly due to the economy, seems to be the greatest stressor. He has done a great job of accepting responsibility with humility. He was advised to “think outside the box” and continue the great job. It was decided to change his frequency from every meeting to every other meeting. He is scheduled to be seen October 8th, 2009. **Compliant**

Derek Wayne Birch

Dr. McClean interviewed Dr. Birch. Dr. Birch is training as a manager over safety at the new Wal-Mart in Saratoga Springs and still working for UPS. His immediate family situation has improved, with the full support from his extended family. He has worked out his office lease problem as well. He has not taken an ethics course and does not know when he can work this in. His challenge will be to find a course given his work schedule. He was told to contact local colleges and find additional information. Dr. Wheelwright suggested an online course while Dr. Knight asked the Board to consider the course he has previously taken. He has not met with any counselor yet. It was suggested he work through his church to see if counseling is offered. Dr. Birch has more confidence than he had previously. He would like to get back in to the practice of Chiropractic but has no real sense of when that might happen. Dr. McClean suggested he get some mentoring and spend some time in an office. He was also instructed to keep his license current. He has a great attitude and is improving substantially. He is scheduled to be seen July 16th, 2009. **Compliant**

Jace Harvey Ferguson

Dr. Wheelwright interviewed Dr. Ferguson. He was missing a document that stated his charges had been expunged. He had the document with him at the meeting. Dr. Ferguson also submitted a letter

requesting early release of his probation. A motion was made by Dr. McClean and seconded by Mr. Sperry to amend the stipulation for release of the probation to become effective today. **Compliant**

BREAK

Resumed at 12:50 p.m.

DISCUSSION ITEMS:

License Qualifications Via Endorsement: Stanley Michael Cusak, DC

Dr. Cusak came before the Board to discuss the best way for him to become licensed in Utah. His hope was because he had been licensed for a number of years he would not have to take the SPEC Exam. He recently retired and would like practice in the State of Utah. Ms. Stewart told him there was no “wiggle room” with the Law as it reads. He must submit an application; submit a verification of an active license in another state; have been actively engaged in the practice of chiropractic within the past two years immediately preceding application; and take the SPEC Exam. A Temporary License may be issued until the SPEC is taken. The Board was in agreement on the licensure requirements for Dr. Cusak.

Nolan Brad Jamison, DC

Dr. Jamison came before the Board to discuss licensure in Utah. He does not have an active license in another state. In order to become licensed in Utah he would have to reactive his prior license, work to meet minimal hours and take the SPEC exam. He will look into which way would work best for him.

Monica J. Mills, DC

Ms. Stewart discussed the application from Ms. Mills. It was the recommendation of the Board to permit licensure as Ms. Mills meets the current licensing criteria.

Proposed Changes to the Rule

Ms. Stewart led the discussion with the Board on the proposed rule change. A motion was made by Dr. Knight and seconded by Dr. McClean to agree to the rule change as proposed.

Keith Sterling Hansen

Dr. Hansen has submitted a request to the Board asking for a change in the frequency of meetings with the Board for his interviews. He has requested to appear before the Board every six months rather than every three months. Mr. Sperry discussed Dr. Hansen’s letter. Dr. Hansen has a history of being non-compliant in the past, but has been compliant for the past six months. A motion was made by Mr.

Sperry, seconded by Dr. McClean, to deny the request at this time. Motion carried unanimously. The request will be revisited in July, 2010. He is scheduled to be seen July 16th, 2009. **Compliant**

Utah Chiropractic Physician Association

Larry Vance, DC, of the Utah Chiropractic Association, passed out a handout on business practices for discussion. Ms. Stewart addressed the handout and suggested the matter needed to be presented to the Consumer Protection Division. It was also noted that rule cannot be used to enact law.

Staten C. Medsker, Jr.

Ms. Stewart discussed Dr. Medsker's current status and his requesting reinstatement of an expired license. His license expired for non-renewal in 2004. He had "yes" answers and was requested by the Board to undergo an evaluation. His license is suspended after expiration at this time. Dr Medsker has been practicing in Tennessee. The Board wants the evaluation by a state approved evaluator. The minutes from April 2005 stated the evaluation he submitted was not being accepted because it was felt by the Board it was one sided. It was the decision of the Board at that time to have the initial stipulation honored with regard to the evaluation. Dr. Medsker took the SPEC in 2001. If Dr. Medsker chooses to come to Utah by endorsement he will still be required to take the SPEC exam. There was also the possibility of consulting the AG's office, which Ms. Stewart stated she would look into and follow up with Dr. Medsker. Dr. Medsker wants to come to Utah because his children are in Utah. Dr. Medsker was asked to contact Ms. Harry to find an approved evaluator.

Judge Steve Eklund

Judge Eklund joined the meeting. He was present to discuss with the Board the results of the hearing for Todd Gary Singleton, DC. At this time only the Board members remained in the room and all others left prior to the discussion. Judge Eklund felt this was an incident in which a "Closed Meeting" would not be necessary but rather adjourn the meeting.

Next Scheduled Meeting:

July 16th, 2009

ADJOURN:

1:45 p.m. (no motion required)

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.

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Minutes

Chiropractic Physician Licensing Board

April 9th, 2009

July 16, 2009

Date Approved

(ss) James D. Knight, Chairman

Chiropractic Physician Licensing Board

July 16, 2009

Date Approved

(ss) Sally A. Stewart, Bureau Manager

Division of Occupational & Professional Licensing