

MINUTES

UTAH CHIROPRACTIC PHYSICIAN LICENSING BOARD MEETING

July 16th, 2009

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

CONVENED: 9:03 a.m.

ADJOURNED: 12:10 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

DOPL Staff Present:

Mark Steinagel, Division Director
Kent Barnes, Compliance Unit Manager
Ray Walker, Regulatory Compliance Officer

Board Members Present:

Edmund L. Sperry, Public Member
James D. Knight, DC
Gordon M. McClean, DC
Carlyle Bret Whittaker, DC
Craig D. Campbell

Guests:

Lew Wheelwright, DC
Trev Wilde
Tim Apgood, UCPA
Michael Lindstrom, DC

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

DECISIONS AND RECOMMENDATIONS

Dr. James Knight opened the meeting as temporary chairperson.

HEARING: 9:00 A.M.

A Rule Hearing was held under the direction of Masuda Medcalf, Administrative Law Judge for the Department of Commerce.

Oath of Office for new Board Member:

Ms. Stewart administered the Oath to Craig D. Campbell, a new member of the Board. The Board welcomed Mr. Campbell.

Election of Chairman:

A motion was made by Mr. Sperry to nominate Dr. Knight. Dr. Whittaker asked if it was reasonable to assume that the person who has served the longest on the Board be nominated. Ms. Stewart stated there is no requirement in Robert's Rules of Order. A motion was made by Dr. Whittaker to nominate Dr. McClean. Dr. Knight asked for a second to the motion from Mr.

Sperry. It was seconded by Dr. McClean. Dr. Knight asked for a second to the motion from Dr. Whittaker. Hearing no second to that nominating motion, Dr. Knight entertained a vote that Dr. Knight be named Chairman of the Chiropractic Physicians Licensing Board by acclamation. Vote was unanimous.

MINUTES:

The minutes from the April 9, 2009 meeting were reviewed. A motion was made by Dr. McClean, seconded by Dr. Whittaker, to approve the minutes as written. The motion passed unanimously.

Probation Review:

Mr. Barnes presented the report on the probationers scheduled today and discussed the form used in determining the compliance status of the probationer. The probationer's paperwork is expected 10-14 days prior to the date of the meeting. The Board agreed with this timing. Mr. Barnes presented a copy of the new chaperone log.

A motion was made by Dr. McClean, seconded by Dr. Whittaker, that they close the meeting at 9:50 a.m. (A meeting may closed for discussion of the character, professional competence, or physical or mental health of an individual (52-4-205(1) (a).) The motion passed unanimously. All visitors left the meeting.

Meeting resumed with discussion:

The meeting re-opened to the Public at 10:00 a.m. The issue of credit hours was discussed. The certificate will be required and this will verify the hours. The criteria for CE were addressed by Ms. Stewart and she stated this is addressed in the rule change.

APPOINTMENTS:

Keith Sterling Hansen

Mr. Sperry conducted the interview with Dr. Hansen. He is seeing about 25-30 patients a week. He is doing ultrasound in Dr. Rawlings' office 2-3 days a week. He stated he is doing well. He feels he is dealing with his stress well and has no additional stressors. He feels he has a great support system. He was given the new chaperone log form for his personal use. It was suggested and agreed the age of the patient be added to the Chaperone log form. Dr. Hansen addressed the frequency of his meetings. He had previously been denied the change in April due to a history of non-compliance. The non-compliance issue was discussed. It was determined that Dr. Hansen was required to work at least one day a week to be in

compliance with his order. Dr. Hansen felt he had never been out of compliance to his knowledge. A motion was made Dr. McClean, seconded by Mr. Sperry, to amend the Order to attend meetings every six months. The vote was unanimous. He will be seen January 14th, 2010. **Compliant**

Gregory Deforest Futrell

Dr. Knight conducted the interview with Dr. Futrell. He stated his wife has been hired to manage the office and chaperone female patients. He has been meeting with other Chiropractic Physicians for suggestions on business practices. He was given a new chaperone form. He stated he has met with Dr. Jones and discussed advertising and coaching. He feels he is on track with his CE and looked into future CE also. He is not doing any full body massages at this time. The Board stressed that it was not a matter of not trusting Dr. Futrell but the Board was looking out for his welfare and stated perhaps he may want to consider not doing massage. Dr. Futrell previously submitted a letter requesting early release. A motion was made by Dr. McClean, seconded by Dr. Whittaker, that he continue his probation until April 30th, 2010. The existing ordered schedule will not be modified. This was discussed as a warning for his own protection. Dr. Futrell mentioned he was looking for a mentor and asked the Board for suggestions. Dr. Knight offered a few suggestions of physicians in his area and also advised he contact the Association for a list of other successful chiropractic physicians. He will be seen October 8th, 2009. **Compliant**

Kip C Porter

Excused

Break: 10:45 a.m.

Resumed 10:50 a.m.

Bruce C. Nielson

Dr. Knight conducted the interview with Dr. Nielson. He stated he is doing well. He addressed not getting his paperwork in on time. He expressed that he was sorry for the delay. Dr. Knight discussed that after July 15, 2009 he will no longer be required to submit chaperone logs. Dr. Nielson stated his mentor is Dr. Craig Dunn. The minutes of April 9th, 2009, needs to be amended to delete information that he is scheduled to take an ethics course. A motion was made by Dr. Knight, seconded by Dr. McClean, to delete the reference to the ethics course in the April minutes. He

Daniel D. Knechtel, Jr.

will be seen October 8th, 2009. **Compliant**

Dr. McClean conducted the interview. Dr. Knechtel who stated he is still working for his brother and is doing great. He is working approximately 20-30 hours a week, treating patients about 6 hours a day. He stated life is great with a new baby. He does not have a specific mentor. It was recommended he look for a mentor he feels comfortable with. He stated he has no health problems and is not taking any medications. He has seen a counselor twice since the last meeting with the Board. He will be seeing him again tomorrow and will be discussing several issues about his personal feelings and resentments. Mr. Barnes stated there is an actual outline and would give Dr. Knechtel some information after the meeting. He still needs to complete an Ethic and Boundaries Course. He plans to start one next month and will have it completed by October. Dr. Knechtel has completed his CE. Dr. McClean commended Dr. Knechtel for a job well done and thanked him for moving ahead with his probation. He will be seen October 8th, 2009. **Compliant**

Derek Wayne Birch

Dr. McClean conducted the interview. Dr. Birch stated he has been seeing a counselor voluntarily. He was asked to have his counselor submit reports to the board. He is hoping to improve his confidence level. He feels this has helped him to learn from his experience. He is now working two jobs unrelated to Chiropractics; UPS as a driver and Wal-Mart as a department manager. He is being asked to accept a promotion with Wal-Mart. He has also been approached by a Dr. Larry Peterson who wants to expand his practice. He has a decision to make as to which job to pursue. Ms. Stewart reminded the Board that he is required to work under supervision as a chiropractor. He feels he has been given a second chance and has a great support system. He stated he feels stable at this point and feels he has a lot of "making up" to do. He was reminded he needs to submit a report that he is not working in his profession. Dr. Birch stated he would like to recommend the class at Salt Lake Community College to the Board as it was excellent. He addressed the issue that he had not respected the law and is now grateful for what happened. It was needed to make

him change his life. Ms. Stewart commended Dr. Birch on the changes he has made and noted his self confidence shift is amazing. Dr Birch signed his employer reports at the meeting. He will be seen October 8th, 2009. **Compliant**

Ed Sperry left the meeting at 11:45 a.m.

Discussion Items:
Dissolving of Advisory Peer Committee
(Chiropractic Physicians Quality Control and Professional Standards Committee)

Ms. Stewart discussed the Quality Control and Professional Standards Committee and would like to have the Board address this matter. Ms. Stewart noted the committee was not currently staffed and had not been convened for several years. She requested the Board's opinion as to whether it should be dissolved. Dr. Knight stated his understanding on the Committee's existence was "shall rather than may" in the statute and it could not be dissolved on the Board's recommendation. The Rule states the Committee must consist of five chiropractic physicians. The decision was to provide the necessary names to fill the committee and make investigations aware of it as a resource. It should be available as a resource to answer questions, rather than the Board. Tim Apgood stated he would provide names for Ms. Stewart to consider by the end of the month. Michael Lindstrom, a guest the meeting, stated he would like to become more involved and Ms. Stewart asked him to submit a resume. Dr. Knight recommended it be left to Ms. Stewart to staff the committee and then meet with the investigators for discussion at a later date.

DISCUSSION ITEMS:

Ms. Stewart stated travel for fiscal year 2010 had been discussed and it was decided the policy will be the same as for fiscal year 2009.

Next Scheduled Meeting:

Thursday, October 8th, 2009

ADJOURN: 12:10 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.

October 8th, 2009

(ss) James D. Knight, Chairman

Date Approved

Chiropractic Physician Licensing Board

October 8th, 2009

(ss) Sally A. Stewart, Bureau Manager

Date Approved

Division of Occupational & Professional Licensing