

MINUTES

**UTAH
CHIROPRACTIC PHYSICIANS
LICENSING BOARD
MEETING
OCTOBER 8th, 2009**

**Room 2B (Second Floor) - 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:07 a.m.

ADJOURNED: 12.12 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

Board Members Present:

James D. Knight, DC
Gordon M. McClean, DC
Craig D. Campbell, DC

Board Members Excused:

Carlyle Bret Whittaker, DC

Board Member Absent:

Edmund L. Sperry, Public Member

Guests:

Tim Apgood, UCPA
Scott Frogley, UCPA
Larry Vance, UCPA
Lew Wheelwright, DC
Celeste Rosquist, Spouse of Ronald Rosquist

DOPL Staff Present:

Mark B. Steinagel, Division Director
Susan Higgs, Compliance Specialist

**TOPICS FOR DISCUSSION
ADMINISTRATIVE BUSINESS:
MINUTES:**

PROBATION REVIEW:
Susan Higgs, Compliance Specialist

DECISIONS AND RECOMMENDATIONS

The minutes from the July 16, 2009 meeting were reviewed. A motion was made by Dr. McClean and seconded by Craig Campbell to approve the minutes as written. Voting was unanimous.

Ms. Higgs presented the status report for the probationers being interviewed today.

DISCUSSION ITEMS:

Medicare and Medicaid/OIG:

Ms. Stewart stated DOPL had a visit from an individual from the Office of the Inspector General (OIG) with regard to DOPL's reporting to Medicaid and Medicare. Any licensee with final Orders needs to be notified by our investigators that their status is being reported to the Data Base. Chiropractors are one of the professions being included. The OIG will be offering training of DOPL investigators. If a licensee decides to surrender his or her license they will need to be made aware they can not work in any capacity in a government funded facility for a period of five years. Ms. Higgs stated the OIG is not concerned with probationers. They are only interested in final orders being reported. They are solely interested in the investigator making them aware of other consequences they may be facing over a period of five years.

Dr. Knight made Ms. Stewart aware of a complaint being turned over to Consumer Protection. Ms. Stewart stated complaints have to be investigated by DOPL. It may then be referred to the Consumer Protection Division.

FARB:

Information was handed out to Board Members on the Federation of Associations of Regulatory Boards conference on October 2nd – 4th, 2009.

NBCE:

Information was also provided to the Board members on the Part II and Physiotherapy Testing. The National Board of Chiropractic Examiners meeting was held in Greeley, Colorado on September 11th, 2009.

Ethics Standards:

Ms. Stewart discussed the Ethics Standards adopted by the Utah Chiropractic Physicians Association. A discussion of filed complaints with no action taken was held, noting that at that point an investigator will refer the matter to the Consumer Protection Division.

It was discussed that a chiropractic physician cannot guarantee results. Dr Wheelwright stated the new standards should answer a lot of question and make it easier for the Board to move forward; and to clarify at a state level what will be acceptable. With regard to fees, the new standards clarify and make several issues easier to address.

Larry Vance, Chairman of the Utah Chiropractic

Physicians Association, provided Ms. Stewart with changes to the bylaws of the UCPA. Ms. Stewart will keep them for the record. Ms. Stewart noted this will be the last Board meeting prior to preparation for the legislative session. She was not aware of any items. The Board stated they were not aware of any pending upcoming legislative concerns. There is a serious concern over HCG, and the subject is actively being followed and investigated. This is being directed to investigations. Dr. Knight asked about the matter of a homeopathic HCG program. The compliant was passed on to Consumer Affairs. This referral came from a complaint where there was no violation. DOPL investigates complaints even though there may have been no violation. Dr. Campbell asked if a Physician Assistant can bring a program into his office to market HCG. Ms. Stewart stated the PA must have prescriptive rights.

**APPOINTMENTS:
Ronald L. Rosquist**

Dr. Rosquist was interviewed by Dr. Campbell. He was accompanied by his wife. He stated things are going great. He is not having any difficulty with his being required to have a chaperone. He is current with his CE and stated his practice is going well. As a result of his stipulation he has made some changes as to how his practice is run. His mentor is Scott Binkerd who meets with him once a month. He discussed the agendas he and Dr. Binkerd have used over the past few months. He was unaware of the new chaperone form that was introduced at the previous meeting. It was explained to him and this is the form he will use from now on. His next meeting will be seen in April 2010. **Compliant**

**DISCUSSION ITEM:
Continuing Education**

Dr. Knight presented some paperwork to Ms. Stewart on the CE from the Spinal Manipulation Institute. Ms. Stewart stated she would look at the matter since there was some concern about it.

Change Meeting “Day Of The Week”:

Ms. Stewart asked the Board to consider changing the day of meetings to Tuesday. It has become difficult to reserve a room on Thursdays, but there seem to be fewer held on Tuesdays. A motion was made by Dr. McClean, seconded by Dr. Campbell, to change **to the second Tuesday of the first month of each quarter**. The vote was unanimous.

Bruce C. Nielson

Dr. Nielson did not appear for his interview at this time. He will be sent a letter of non-compliance.

Michael W. Wimmer

Dr. Wimmer was interviewed by Dr. Knight. He stated things are going well and the economy has affected him; but he is dealing with it. He stated he is going to be baptized into his church this month and that with his probation coming to an end, things are good. He stated he plans to continue with the chaperone and will be making no changes in his practice. A motion was made by Dr McClean, seconded by Dr. Campbell, to amend his stipulation to end probation today. Dr. Wimmer thanked the Board and stated he would not be here again. Ms. Stewart congratulated Dr. Wimmer and reminded him the Board is always here for support. **Compliant**

Kip C. Porter

Mr. Campbell interviewed Dr. Porter. Dr. Porter stated he is doing well and mentioned there seems to be peacefulness about him. He recently completed PACE, a program for ethics and boundaries. He discussed his experience with the course itself. He stated he learned to focus and to educate and inform the patient as to what is going on. His mentor is Dan Park. He has become involved in his community quite actively and is actively working on his CE. He did submit a certificate of CE for his file. He was asked to pull the new chaperone form off the web-site and use that form from now on. He is using safeguards such as an open door policy, and a chaperone log. Ms. Stewart explained the matter of paperwork and the due date which he is to meet. Ms Stewart reminded him that his paperwork is always due at the same time. She also stressed DOPL is going to enforce the due dates so the probationers are being held to a higher standard. She also stated any questions should be directed to Ms. Harry. Dr. Porter stated he feels he has good family support. He will be seen on January 12th 2010. **Compliant**

BREAK:

10:35 a.m.; Resumed at 10:50 a.m.

Gregory Deforest Futrell

Dr. Futrell was interviewed by Dr. Knight. Dr. Futrell stated his wife acts as is his chaperone and that with her help, they are working it out. He has been trying to locate a mentor but has not found one at this time. He is current on his CE. He has no current stressors and is active in his church. He is doing only “spot”

massage and has a licensed Massage Therapist on staff. He was advised of the change of the day of the week for the future meetings. He will be seen on January 12th 2010. **Compliant**

Bruce C. Nielson

Dr. Nielson was interviewed by Dr. Knight. He is out of sequence as he was waiting at Room 401. He was previously named non-compliant but will now be interviewed and re-evaluated. He stated he has implemented the chaperone log in his practice and will continue to do so. He will be seen on January 12th, 2010. **Compliant**

Derek Wayne Birch

Dr. McClean interviewed Dr. Birch. He stated he has an opportunity to work approximately 35 hours per week for Vanguard Health Solutions, a Chiropractic office in Draper. They are asking him to start working as soon as possible. He had several questions for the Board. He feels he would not be starting off with an income right away. He was reminded by Ms. Stewart that he must work in a supervised position. Dr. Birch stated he would not be doing any billing, however he needs to be aware of the billing process. Ms. Stewart stressed that the Board must approve any venture he enters in to. The Board would like to have documentation of the proposed plan for discussions. It was suggested to Dr. Birch that he sit down with the other Chiropractic Physicians in the office and discuss his probation status and the salary he will be earning.

Dr. Birch is still employed by Wal-Mart on a rotating schedule. He also works at UPS. Dr. McClean felt Dr. Birch needed to be able to commit at least two full days a week to his practice if he decides to resume a practice. The Board felt this was a great opportunity for him; and Dr. Birch stated he was excited to be returning to the chiropractic profession again. Dr. McClean suggested the other Chiropractors might like to meet with the Board regarding his probation. The Board would be happy to do.

Dr. Birch stated he is voluntarily seeing a counselor, trying to build his confidence level. Dr. Birch has not submitted his required paperwork on time. Ms. Stewart stressed the importance of his taking the responsibility for his probation. Dr. Birch needs to submit 60 hours of CE, of which 20 hours are now past due and 40 are required for renewal. These CE

hours must be submitted before May, 2010. He will be seen on January 12th, 2010. **Non-compliant**

Steven Scott Garvert

Dr. McClean interviewed Dr. Garvert. He stated he is doing well and nothing has changed since his last interview. He is enjoying working with Carol on the chart review and finds it very helpful. He feels he now has a balance in his life. Dr. Garvert asked about an early release from his probation. The Board suggested he may submit a request in May 2010 but he should not be surprised if the answer is “no”. Per his order he may request after two years, however the precedence has been set for the Probationer to be at least halfway to completion. Ms. Stewart expressed DOPL’S purpose is to protect the public. He will be seen on January 12th, 2010. **Compliant**

Daniel D. Knechtel Jr.

Dr. Knechtel was interviewed by Dr, McClean. He has not had his paperwork in on time. He was told he needs to have his paperwork in by the 30th of the month prior to the next meeting. He is now meeting with his therapist once a month. He realizes that working with his brother is becoming a little stressful and is presently doing some networking. He stated there may be some opportunity to make a change. He feels he is no longer depressed and has completed his ethics and boundaries course. He was reminded he needs to complete his CE by May, 2010. The Board mentioned he may request modification, in writing, to his stipulation after November, 2010. The Board commended him for his change of attitude. He will be seen on January 12th, 2010. **Non-compliant**

NEXT SCHEDULED MEETING:

Tuesday, January 12th, 2010

ADJOURN:

12:12 p.m.

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.

January 14th, 2010

(ss) James D. Knight, Chairman

Date Approved

Chiropractic Physician Licensing Board

January 14th, 2010

(ss) Sally A. Stewart, Bureau Manager

Date Approved

Division of Occupational & Professional Licensing