

## MINUTES

### UTAH CHIROPRACTIC PHYSICIAN LICENSING BOARD MEETING April 8<sup>th</sup>, 2010

Room 210 (Second Floor) 9:00 a.m.  
Heber M. Wells Building  
Salt Lake City, UT 84111

**CONVENED: 9:03 a.m.**

**ADJOURNED: 11:19 a.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

James D. Knight, DC, Chairman  
Gordon M. McClean, DC  
Craig D. Campbell, DC  
Carlyle Bret Whitaker, DC

**Board Members Excused:**

None

**Board Member Absent**

Edmund L. Sperry, Public Member

**Guests:**

Tim Appgood, Utah Chiropractic Association  
Celeste Rosquist

**DOPL Staff Present:**

Debbie Harry, Compliance Specialist  
Kent Barnes, Compliance Manager

#### **TOPICS FOR DISCUSSION**

##### **ADMINISTRATIVE BUSINESS:**

##### **MINUTES:**

##### **APPOINTMENTS:**

**Debbie Harry, Compliance Specialist**

#### **DECISIONS AND RECOMMENDATIONS**

The minutes from the January 14<sup>th</sup>, 2010 meeting were reviewed. A motion was made by Dr. McClean, seconded by Dr. Whittaker, to approve the minutes as written. The motion passed unanimously.

Ms. Harry presented the status report for six of the seven probationers being seen today. All of the probationers scheduled for today's meeting are compliant. Mr. Barnes reported on Kip C Porter. Mr. Barnes had made arrangements with Ms. Stewart to interview Dr. Porter by phone and give the report on the interview to the Board. He indicated Dr. Porter was **Compliant**. The Board requested that it be noted he will not be excused from his interviews in the future.

**Derek Wayne Birch**

Dr. McClean interviewed Dr. Birch. He stated things are going well. He reported he has interviewed for a higher management position with his current employer. He is considering plans to work with a friend in Orem who knows Dr. Birch's situation. He stated his family is a big support. He noted his Dad came into work to see him and was proud of him. Dr. Birch commented on the Board's help, stating that when he first started coming to the Board his biggest disappointment was the response from his peers. Since that time, the advice and response has been very helpful. The Board noted his confidence level is building and that when this happens it involves each area of a person's life. The Board requested to see him July 8<sup>th</sup>, 2010. **Compliant**

**Bruce C. Nielson**

Dr. Knight interviewed Dr. Nielson. He stated he has been busy. The recommended procedures are in place and going well. The receptionist takes notes and assists with some procedures. In retrospect, it has been a rewarding experience meeting with the Board. Dr. Whitaker made a motion, seconded by Dr. McClean, to amend his order to terminate probation. The motion passed unanimously. **Compliant**

**Steven Scott Garvert**

Dr. McClean interviewed Dr. Garvert. He stated he has been busy taking care of his family and he would like to get the probation resolved and get on with life. The Board recommended he continue with the Board at this time. He is requesting early release to be a part of Carol's program. He has to be off probation to be eligible for this. He stated his practice is going well considering the economy. Carol comes in every three months to audit random patient records and sends a report to DOPL. Dr. Garvert and Carol get together after the audit to talk about the files or answer questions. The Board recommended Dr. Garvert sign the audit form also. The Board requested to see him October 14<sup>th</sup>, 2010. **Compliant**

**Daniel D. Knechtel**

Dr. Knight interviewed Dr. Knechtel. He stated he knows the Board has his best interests at heart. When he first started to see the psychoanalyst, it made him feel like he was crazy but now he sees the therapist as a friend. Dr. Knechtel stated he will not renew his license. He stated he will sign a voluntary surrender of license. Ms. Stewart will request the Assistant AG

**Daniel D. Knechtel** (continued)

draw up the Voluntary Surrender Stipulation and Order. She will also check under what specific circumstances he may or may not continue to use his title. He will not be permitted to apply for a new Chiropractic Physician license for five years. The DOPL website will show voluntary surrender rather than expired. The Board considered that if he has no license they and DOPL do not regulate the situation. His current address was updated and given to Ms. Harry. **Non-compliant**

**Gregory Deforest Futrell**

Dr. Whitaker interviewed Dr. Futrell. He stated this experience has changed his life. He has learned many things; including being more aware of his relationships and never allowing closed doors with female patients. The relationship with his wife has never been better. He understands his profession better and that he must maintain a certain level of professionalism. The Board advised Dr. Futrell if he hires a massage therapist to work with him, he will have to be extremely careful with boundary issues. The Board also advised him to respect the boundaries and be aware they do not change. The perception that they have changed will trip you up. This is Dr. Futrell's final interview with the Board. Dr Whitaker made a motion, seconded by Dr. Campbell, to amend his Order to release him from probation. The motion passed unanimously. He will be sent a license that does not say "Active on Probation". **Compliant**

**Ronald L. Rosquist**

Dr. Campbell interviewed Dr. Rosquist. He stated he is doing fine, adjusting well to working with a chaperone. During this process he has learned about being aware of how he is feeling and maintaining focus. He has also learned that patients are not friends; and that things at home need to be right so that things at the office are right. Dr. Rosquist stated his wife is very supportive. The Board discussed what we learn from each other. The Board requested to see him October 14<sup>th</sup>, 2010. **Compliant**

**CORRESPONDENCE:**

**Various Informational Items** – no response required

Ms. Stewart stated that the FCLB dues have been paid. The FCLB Annual Meeting will be held in May of 2010 in Hollywood. The Baltimore Meeting beginning April 30<sup>th</sup>, 2010 was also discussed. Dr. McClean indicated he had some interest in that meeting.

**Various Information Items** (continued)

It was mentioned that when Ms Stewart receives items via e-mail relating to the Chiropractic profession she will continue to forward them. There is currently such a firm travel ban at the State government levels that the meeting information is mostly informational only.

The chaperone log was discussed. It was determined that the form on the internet is the current form with the "age of patient" field.

**DISCUSSION ITEMS:  
Acupuncture/Myofascial**

It was discussed that a Chiropractic Physician may practice acupuncture if the physician has had the training and education to do so. A Chiropractic Physician may not call himself an Acupuncturist or advertise that he does clinical acupuncture. The professional Acupuncturists appear to be paying close attention to be certain the Chiropractic Physicians do not infringe upon their scope of practice.

**Update on Disciplinary Actions**

The Board discussed the option of having probationers with a six-month record of compliance being monitored by the Compliance Unit. The Board determined that with the number of probationers currently seen by this Board it is not necessary. The Board also discussed having some of the probationers meet less often. For probationers completing their probation today we needed a motion to amend the order so as to terminate probation. The licensees will receive new licenses. Their probation history does not go away however so the effective date on the new licenses will be the date their probation ended. The Board discussed current actions on other probationers.

**Next Scheduled Meeting:**

Thursday, July 8<sup>th</sup>, 2010

**ADJOURN:** (no motion required)

**11:19 a.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.*

**July 8<sup>th</sup>, 2010**

**(ss) James D. Knight, Chairman**

**Date Approved**

**Chiropractic Physician Licensing Board**

**July 8<sup>th</sup>, 2010**

**(ss) Sally A. Stewart, Bureau Manager**

**Date Approved**

**Division of Occupational & Professional Licensing**