

**MINUTES**

**UTAH  
CHIROPRACTIC PHYSICIAN LICENSING BOARD  
MEETING (including Emergency Meeting)  
October 14<sup>th</sup>, 2010**

**Room 402 (Fourth Floor) - 9:00 a.m.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 9:00 a.m.**

**ADJOURNED: 12:00 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

James D. Knight, DC, Chairman  
Edmund Sperry, Public Member  
Craig D. Campbell, DC  
Carlyle Bret Whittaker, DC  
Michael D. Smithers, DC

**Board Member Absent**

None

**Guests:**

Celeste Rosquist, wife of Dr. Rosquist

**DOPL Staff Present:**

Kent Barnes, Compliance Unit Manager  
Lloyd Hansen, Investigator

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**Oath for new Board Member**

Ms. Stewart Administered the Oath of Office to Dr. Smithers and welcomed him to the Board.

**Minutes:**

The minutes from the July 8<sup>th</sup>, 2010 meeting were reviewed. A motion was made by Dr. Whittaker, seconded by Mr. Sperry, to approve the minutes. The motion carried unanimously.

**APPOINTMENTS:**

**Kent Barnes, Compliance Unit Manager**

Mr. Kent Barnes presented the status reports on the probationers being interviewed today.

**Kip C. Porter**

Dr. Knight interviewed Dr. Porter. He stated he is going to do CEs at Palmer West, it is their Home Coming. He stated he has completed all psychological testing. He stated his family is ok and work is going well, he makes sure everything at work is checked. Dr Porter requested the Board meet with him in April and skip the December Board meeting so he can attend

**Kip C Porter** (continued)

CE training at the Parker Seminar in Vegas. The Board stated that should be fine as long as paperwork comes in to Ms. Harry. Dr. Porter was advised that where his patient records stated “adjustments”, the log needs to be more specific. The Board requested to see him at the meeting on April 14<sup>th</sup>, 2011. **Compliant**

**Steven Scott Garvert**

Mr. Sperry interviewed Dr. Garvert. He stated he is doing well. She stated his supervisor pulls random files. The supervisor suggests things he could do better and things he has done well. He stated he recently did a CE injections course. He stated he associated with quite a few colleges in the profession for a support group. He checked his compliant file all information including e mail is current. Lately he realizes the Board is here to help him. The Board requested to see him every 6 months. His next interview will be at the meeting on April 14<sup>th</sup>, 2011. **Compliant**

**Derek Wayne Birch**

Dr. Whittaker interviewed Dr. Birch. Dr. Birch stated as his confidence builds in himself he is aware he is more organized. He stated he still feels like he has something to prove to himself and his family. His family life has some stresses, but he has not turned to alcohol. Dr. McClean works with him as a support. He stated his criminal charges have been reduced by the courts. The Board advised him to get the new court documents to the Compliance Unit, showing his reduced charges as misdemeanors. Dr. Birch was advised he could request general supervision; however the request would have to be in writing. Mr. Sperry made a motion, seconded by Dr. Whittaker, to see him every 6 months. The motion passed unanimously. The Board requested to see him in 6 months at the April 14<sup>th</sup>, 2011 Board meeting. **Compliant**

**Ronald L. Rosquist**

Dr. Campbell interviewed Dr. Rosquist. He stated he is doing well, business is doing well and his practice is going well. He enjoys being a chiropractor and he has a mentor. He stated he has completed two seminars on injections and cosmetic stuff. Dr. Rosquist stated his wife is good in the office, helping out with the office staff. He also said, “You have to be up on your game everyday and make sure your listen to the patient.” The Board asked that his chaperone log be turned in at the same time his supervisor reports are submitted.

**Ronald L. Rosquist** (continued)

**DISCUSSION:**

**Lloyd Hansen, Investigator; Expired Licenses and Citation Authority**

The Board reminded him his meetings are scheduled for every 6 months. The Board requested to see him on April 14<sup>th</sup> 2011. **Compliant**

Mr. Hansen addressed why DOPL did not pursue expired licenses of Chiropractic Physicians who are still in practice. The Chiropractic Licensing Act does not have Citation Authority. The Chiropractic Physician Licensing Act needs to be opened in order to add citation authority. The Board discussed which other profession had citation authority. Mr. Hansen stated that the Investigation Unit of DOPL is re-active not pro-active. They do not have financing or staffing to be pro-active. The Board recommended to Tim Apgood that the Association consider opening the Licensing Act for the Chiropractic profession to add Citation authority.

According to the General Licensing Act 58-1-308-5(c), if a license is expired 120 days or less it is considered to be renewed retroactively to the expiration date. If a licensee renews after the 120 days the licensee must submit a full application for reinstatement and meet current licensure requirements. A reinstated license would show a gap in continuous licensure on the licensee history record. If a licensee renews after two years, the licensee must reapply meaning that initial documents are required and the SPEC exam must be taken.

DOPL's responsibility is to notify a licensee of renewal at the last known address. The professional's responsibility is to meet qualifications to renew and to renew their license.

**General Information and Discussion:**

Dr Knight and Dr. Campbell attended The Federation of Chiropractic Licensing Board Regional Meeting and brought back some suggestions. They suggested that DOPL include as a renewal qualification that the doctor put in their NPI (National Provider Identifier) # for reference. They also suggested that the Board recommend that all probationers be required the have a psychological evaluation at the end of probation period before full licensure be granted. A psychological evaluation would indicate whether or not a probationer is safe to practice. The Board discussed if other additional conditions could be added

**General Information and Discussion:**  
(continued)

**Michael K. Lindstrom- Renewal issue**

to a Memorandum of Understanding and Order (MOU) at the time it is initially offered. They also discuss putting the information into a centralized data base.

At the renewal of his license, Dr. Lindstrom was required to answer “yes” on the Qualifying Questionnaire. His charges are such that DOPL would generally issue an MOU, which is classified as disciplinary action. A conditional license, which was issued pending additional information, is classified as non-disciplinary action. DOPL has the option to issue a conditionally renewed license repeatedly. Dr. Lindstrom stated he is unable to raise his malpractice insurance coverage and that his boss is giving him trouble regarding his conditionally renewed license.

He stated he is not a threat to the public. He is requesting the Board recommend that DOPL not put him on a probationary license from an MOU. The Board discussed this option along with continuing with conditional renewal of the license. The Board made no motion to take any action, leaving the matter to DOPL to determine.

**EMERGENCY HEARING DISCUSSION:  
Bruce Van Gundersen Stipulation and  
Order: Recommendation of Auditor of  
Records**

This is a second Stipulation and Order issued by DOPL for Dr. Gundersen. Dr Gundersen’s attorney worked with Ms. Laurie Noda from the Attorney General’s office to reach this agreement. They negotiated terms of the Stipulation and Order for Dr. Gundersen. The reason for the Stipulation and Order, rather than full and immediate revocation was in consideration of the investigative information. It resulted from the violation of the first Stipulation and Order.

DOPL requested a recommendation from the Board for an auditor of Dr. Gundersen’s records in order for Dr. Gundersen to be able to comply with the terms of the Stipulation and Order. The Board recommended Jay D. Anderson, DC, a member of the Quality Control and Professional Standards Committee. Mr. Sperry made a motion, seconded by Dr. Campbell that Dr. Anderson be recommended to DOPL as the auditor for Dr. Gundersen’s records. The motion passed unanimously.

The Board also recommended DOPL pursue the

**Bruce Van Gundersen Stipulation and Order: Recommendation of Auditor of Records** (continued)

matter of revocation of the license and a full hearing for Dr. Gundersen. Ms. Stewart agreed to check with the Ms Noda of the AG's office to see if there are any additional options available now that the Stipulation and Order has been signed. The Board strongly objected to placing Dr. Gundersen on probation subject to the terms and conditions of the Stipulation and Order.

**Next Scheduled Meeting:**

Thursday, January 13<sup>th</sup>, 2011

**ADJOURN:**

**12:00 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.*

January 13, 2011  
Date Approved

(ss) James Knight, Chairman  
Chiropractic Physician Licensing Board

January 13, 2011  
Date Approved

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