

**MINUTES**  
**UTAH**  
**CHIROPRACTIC PHYSICIAN LICENSING BOARD**  
**MEETING**  
**April 7<sup>th</sup>, 2011**

**Room 475 (Fourth Floor) - 9:00 a.m.**  
**Heber M. Wells Building**  
**Salt Lake City, UT 84111**

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

**ADJOURNED: 12:06 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

James D. Knight, DC, Chairman  
Ed Sperry, Public Member  
Craig D. Campbell, DC  
Carlyle Bret Whittaker, DC arrived at 9:30  
Michael D. Smithers, DC

**Board Member Absent**

None

**Guests:**

Tim Appgood, Utah Chiropractic Physicians Assoc.  
Jay Anderson, Utah Chiropractic Physicians Assoc.  
Celeste Rosquist, wife of Dr. Ron Rosquist  
Hal Reiser, Attorney for Dr. Steven Garvert  
Erin Maddux, Office Manager for Bruce Gundersen  
Jennifer Gundersen, wife of Bruce Gundersen

**DOPL Staff Present:**

Debbie Harry, Compliance Specialist

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**Minutes:**

The minutes from the January 13<sup>th</sup>, 2011 were reviewed. Dr. Smithers made a motion, seconded by Dr. Whittaker, to approve the minutes as written. The motion passed unanimously.

**APPOINTMENTS:**

**Debbie Harry, Compliance Unit Specialist**

Ms. Harry presented the status reports on the probationers being interviewed today.

**Keith Sterling Hansen**

Dr. Campbell interviewed Dr. Hansen. He stated he hoped this will be the end of the end. His Stipulation and Order stated his probation ends June 1<sup>st</sup>, 2011. He stated he has learned to just be compliant and follow the recommendations of the Board; that the Board is here to help the doctors on probation. Dr. Hansen stated his support comes from Jesus Christ and his faith. He stated he has changed the direction in his practice as he is mainly doing Ultrasounds. He stated

**Keith Sterling Hansen** (continued)

he has had requests from other doctors to train them in his Ultrasound techniques. He has safeguards in place if temptations come up. He makes sure his patients' gowns are situated appropriately, when moving a patient he has someone come in. Mr. Sperry made a motion, seconded by Dr. Campbell, to have Dr. Hansen's license be fully active as of June 1<sup>st</sup>, 2011. The motion passed unanimously. Dr. Hansen had a "Thank you" card for the Board. He read card and left it. The Board reminded him to continue doing his monthly reports until he receives his amended Order for the fully active license from the Division.

**Compliant**

**Ronald L. Rosquist**

Dr. Campbell interviewed Dr. Rosquist. He stated he has been attending seminars and is scheduled to take more classes; one of those is on injectables. He stated one of his safeguards is that he will always have someone in the room with him. The program he took in California helped him recognize his key triggers. The Board noted that it was impressed. He has done a tremendous amount of work. The Board requested to see him at the October 13<sup>th</sup>, 2011 meeting. **Compliant**

**Derek Wayne Birch**

Dr. Whittaker interviewed Dr. Birch. He stated his wife has passed the cancer scares. She has had several MRI's and the doctors think MS is the probable diagnosis. If so, it is in the beginning stages. He stated they have been in contact with some support groups. The Board recommended being positive until she is actually diagnosed. Dr. Birch's work manager told him he would be a strong candidate for a position in their Health and Wellness Clinic at his place of employment. He stated he has talked with the current manager and has gone over his background. There has been a definite turn of events in his career; it is a different atmosphere. The Board noted it would be a loss to the Chiropractic field if he does not continue. The Board requested to see him at him at the October 13<sup>th</sup>, 2011 meeting. **Compliant**

**Kip C. Porter**

Dr. Knight interviewed Dr. Porter. He stated he has two full-time employees. He stated one of his employees shadows him everywhere he goes and brings patients back and forth, etc. He noted Parker College has a chip you wear for continuing education classes; if you leave early it counts you absent for the class. He stated things are going well at home his wife. She is a great support and his family doing

**Kip C. Porter** (continued)

great. Dr. Porter stated it would be foolish for any Chiropractor to see a female patient alone. He stated he has safeguards for him to keep from being alone with patient; if his employee doesn't come in then his wife will come in. Dr. Porter stated Dr. Smithers was "brutal" with his interview process but he wasn't complaining; he wants to stay on the straight and narrow. The Board requested to meet with him at the October 13<sup>th</sup>, 2011 meeting. **Compliant**

**Steven Scott Garvert**

Hal Reiser appeared as Dr Garvert's attorney. He requested to preface Dr. Garvert's interview and request that he be given early termination from probation because his criminal record had been expunged. Mr. Reiser stated Dr. Garvert has been in strict compliance. The Board noted even though the criminal record has been expunged, it does not have the effect of canceling out the Board action. His Stipulation and Order did not go into effect until May of 2008, because Dr. Garvert and the Division were negotiating his Order. Dr Garvert stated he has learned much, and that this has been a wonderful opportunity to grow and learn. He admitted he was young and had made a mistake but wants to get on with his life. He stated he knows now what he should have done was treated the patient for free. He stated he has had to send patients away while he has been on probation. He stated the majority of his practice he has been on probation.

The Board proceeded with the normal interview process with Mr. Sperry doing the interview. Dr. Garvert also stated Carol Hagen has been coming to his office every 3 months. She pulls a random ten files and checks them. The best lesson he has learned was to back up everything that happens in the patient's file. He stated he is current on his continuing education and is taking the injectable courses that Dr. Knight gives. Dr. Garvert stated his support comes from a lot of different Chiropractic doctors with whom he has developed many of good friendships. He stated at one point he thought he was going to lose his practice. The Board noted he has been under tremendous stress. He stated he deals with the stressors with the support of his wife, his religion and he will survive the hard times. With regards to early release from probation, Dr. Smithers noted the Board needs to be fair to every body else on probation. Mr.

**Steven Scott Garvert (continued)**

Reiser noted there is a price to be paid for early termination of probation. He suggested additional continuing education, possibly a termination audit. The Division noted regardless of what you negotiate, the stipulation still states five years. The Division's and the Board's mandate is to protect the public.

Mr. Sperry made a motion, seconded by Dr. Campbell, to allow early termination. The Board discussed amending the Stipulation and Order for an early termination under conditions to include Dr. Garvert's probation not being terminated until the CE course and a compliance audit could be completed as suggested by his attorney. The Board suggested an online course in Ethics. Mr. Sperry amended his motion, seconded by Dr. Campbell, to allow early termination of probation upon completion of additional CE and the final audit, with a date as of October 13<sup>th</sup>, 2011 meeting; thereby requiring him to attend the October meeting. He is to take an online Ethics course and have a termination audit of 25 random patient files. A vote was held on the motion. The motion carried by a 4-1 vote (Dr. Smithers opposed). Tim Apgood stated Dr. Garvert is a changed man from six years ago. The Board requested to go on the record stating there are justice, mercy and kindness. **Compliant**

**Bruce Van Gundersen**

Mr. Sperry interviewed Dr. Gundersen. He stated his practice has been altered. He stated he has been trying to get in communication with the course he was supposed to take as recommended by the Board. He stated he is now registered for course in Denver. He stated he appreciated all the efforts from the Division. The Board recommended he take some careful notes and come back and share what he learns and what that did for him. He stated he will be happy to "evaluate the course" and share it with the Board. He is staying with his original audit supervisor (Dr. Jay Anderson); that they have talked it over and worked things out. He stated he is working as a paid consultant with a Sex-Offender program. The group members meet for counseling sessions and they talk about triggers, boundary issues and thinking errors. It is helpful to him, to keep that topic in the front of his mind. The Board suggested he get a primary care physician or doctor. Dr. Gundersen is contemplating moving his Mother from her care center to his home. He stated his stress has gone up but just a notch, his wife deals

**Bruce Van Gundersen (continued)**

with a lot of the stressors.

Erin Maddux is Dr. Gundersen's Office Assistant. She does it all, from billing to setting up appointments. It is a one-person office. Ms. Maddux completes the supervisor reports on Dr. Gundersen. He signs it; she completes it and immediately faxes it herself. The Board suggested noting in "patient" records that an appointment is made but did not actually show up; that name was not truly a patient just an appointment. That way you are dismissing any suspicion, by noting why there is no information. Ms. Maddux does a weekly no show appointment list where she calls to see if the missed individual wants to reschedule but she does not pester them to do so. Dr. Anderson stated Dr. Gundersen and Ms. Maddux have been very accommodating when he goes to their office to audit the patient files. Dr. Gundersen stated he is willing to do anything the Board requested of him. The Board requested to see him at the July 14<sup>th</sup>, 2011 meeting.

**Compliant**

**Michael K. Lindstrom**

Dr. Smithers interviewed Dr. Lindstrom. He stated he had already met with Ms. Harry and gone over the Memorandum of Understanding and Order (MOU). She stated all paperwork is in and he is currently compliant in the file. The Board referenced his counseling report. It asked if he was going to act on the recommendation on counseling report for counseling. He stated there was no need to. He stated he is working out of his home. Dr. Lindstrom requested a waiver of the condition under 5(d) of the MOU. Dr. Lindstrom noted to the Board that in the evaluation by Dr. Llewelyn at the counseling center it was stated Dr. Lindstrom has completed two days of extensive testing. The recommendation from them at this point was a personal counselor. The Board noted in the summary referral from the counseling center report there were other recommendations made also that prompted the inclusion paragraph 5(d) in his MOU. He stated he has completed the cognitive restructuring course required so Dr. Lindstrom asked the Board specifically what correction of negative thinking patterns does he have to make. The Board suggested an "attitude adjustment" would be a good beginning. Mr. Sperry made a motion, seconded by Dr. Smithers, to deny the Dr. Lindstrom's request for a waiver of section 5(d) of his MOU. The motion

**Michael K Lindstrom (Continued)**

passed unanimously. The Board noted his attitude is belligerent. He asked the Board to recommend a course for him to take. Dr. Whittaker made a motion, seconded by Dr. Smithers, to modify the MOU to extend the time he has to take the course required until the next Board meeting in July. The Board further suggested he work with Ms. Harry to find and arrange to complete a course that is consistent with the MOU. Ms. Harry will e-mail information on Division approved courses to Dr. Lindstrom on Monday. The Board requested to see him at the July 14<sup>th</sup>, 2011 meeting. **Compliant**

**DISCUSSION TOPICS:**

(taken out of order with interviews)

**Legislative Update**

The Board discussed the last Legislative Session. There were three corrections to the Licensing Act with reference to Mental Illness; it was a verbiage change only. The corrections did not make changes in intent or content. This bill will be effective May 10, 2011.

Dr. Knight noted as part of the DOPL Licensing Act a change was made in the manner in which a Board Member is released. The Board Member is requested to stay on the Boards until a replacement can be appointed. He further stated that this is his last official Board meeting, but there is a good chance he will be here for the next meeting. He stated that as allowed under Administrative Procedures he is resigning as chairperson; and stated nominations for chairperson were open. Mr. Sperry nominated Dr. Campbell, seconded by Dr. Smithers. No other nominations were made. The vote was unanimous.

**Recommendation from Previous Board Meeting**

It was discussed that at the last Board meeting a recommendation to the division on policy or practice was made stating that anyone placed on probation not be allowed to be in independent practice; or that if they are in independent practice that there be a very complete and thorough supervisory process. The Division noted as a government agency it does not take away an individual's livelihood. The Division is not able to require a partner/ supervisor where it would be too much of a financial burden and result in closure of a practice. The Board discussed that many of the licensed Chiropractic Physicians work individually. The Board decided they would recommend incorporating "where possible" into their previous recommendation. A Chiropractic Physician acting as

**Recommendation from Previous Board Meeting (continued)**

supervisor to look at the records is a good alternative, depending on what led to the Probationary Order. The Board could then interview the supervising person who would be responsible to file the report to DOPL's Compliance Unit.

**Information on Upcoming National Conference**

Dr. Knight stated this is an important conference. It is where national policies for the association are formed and voted upon. If you are the designated voter for the State Agency or Board, you should make it a point to be there to vote. It is interesting and educational to see how other Boards are dealing with their problems and situations. The Board discussed some of the things that came out of that conference.

Dr. Knight distributed a handout. He addressed the necessity of following HIPPA guidelines. Another item was in advertising. There was a Senate Bill passed that will impact advertising for the Chiropractic Physician profession. If your name appears on any advertisement for your profession whether it is a business card, office door or billboard, including all advertising defined in the bill, you must specify the profession as it appears on your license with DOPL. Using DC at the end of your name is no longer sufficient. Failure to include the licensed professional title will be "Unprofessional Conduct".

**Next Scheduled Meeting:**

Thursday, July 14<sup>th</sup>, 2011

**ADJOURN:**

**12:06 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.*

July 14, 2011  
Date Approved

(ss) Craig D. Campbell, Chairman  
Chiropractic Physician Licensing Board

July 14, 2011  
Date Approved

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