

**MINUTES**  
**UTAH**  
**CHIROPRACTIC PHYSICIAN LICENSING BOARD**  
**MEETING**  
**January 12<sup>th</sup>, 2012**

**Room 464 (Fourth Floor) - 9:00 a.m.**  
**Heber M. Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED: 9:05 a.m.**

**ADJOURNED: 12:05 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Craig D. Campbell, DC; Chairman  
Carlyle Bret Whittaker, DC  
Michael D. Smithers, DC  
Jay D. Anderson, DC

**Board Member Absent**

Ed Sperry, Public Member

**Guests:**

Lew Wheelwright, DC, UCPA  
Jim Knight, DC, UCPA  
Tim Apgood, UCPA  
Kristina Stitche, DC, UCPA  
Marti Frasier, Cosmetology Board Chairperson  
Carlotta Veasy, Cosmetology Board Member

**DOPL Staff Present:**

Debbie Harry, Compliance Specialist

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**Minutes:**

The minutes from the October 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.

**Bruce Van Gundersen**

Dr. Campbell interviewed Dr. Gundersen. He stated he has changed software at his office, he no longer has any blank items in his data base. He also stated he refers all underage patients to one of three other Chiropractors depending on who is closer to the patient. Dr. Gundersen stated he doesn't do anything that is unprofessional conduct, he is trying to be compliant at all times. He stated he has an audit every three months with Dr. Ted Conger; the last time they

**Bruce Van Gundersen** (continued)

met was in December 2011. The Board noted Dr. Gundersen is much more pleasant to work with. He stated he appreciates the Board's time on the journey he has had to take. He noted he is due to attend another Ethics and Boundaries course. The Board recommended he find a course, and e-mail it to Ms. Harry for approval. The Board requested to see him at the April 12<sup>th</sup>, 2012 meeting. **Compliant**

**Ronald L. Rosquist**

Dr. Anderson interviewed Dr. Rosquist. He stated things have been going good. The Board noted this is his last scheduled day on probation. He stated it has been a long haul; some of his probationary meetings seemed redundant. Dr. Rosquist offered to help anyone he can in the future. He stated he has a mentor that he meets with currently and will continue to meet with. He stated he doesn't want to be here in this capacity ever again. He stated the most helpful program for him has been the PACE program. The Board discussed the length of time he was on probation. Dr. Rosquist stated the length of time wasn't helpful except it helped him to figure out who he is and what makes him tick. The Board recommended he keep his support around him. The Board noted they are proud of him and it was good to see the support his wife has been to him. Dr. Whittaker made a motion to amend his MOU so that his license is fully active by January 12<sup>th</sup>, 2012, seconded by Dr. Smithers. The motion passed unanimously. **Compliant**

**DISCUSSION ITEMS:**

**National Board of Chiropractic**

**Examination – Delegates –**

**INFORMATION ONLY** (not on posted Agenda)

Dr. Campbell discussed with the Board the National Board of Chiropractic Examiners (NBCE) administers two Part IV Practical Examinations and hosts a Part IV Test Committee meeting. The NBCE request the Board to recommend two State Board members to participate as examiners in the administration of each practical exam; and one State Board member to participate in the June Test Committee meeting. The Board discussed the dates delegates were needed:

Spring Part IV Exam – May 2012

Fall Part IV Exam - November 2012

Part IV Test Committee meeting – June 2012  
in Greeley, Colorado.

The Board discussed also needing a delegate for the FCLB. The anticipated volunteers to administer Part IV of the exam in May are Dr. Campbell, who

**NBCE – Delegates – INFORMATION ONLY** (not on posted Agenda)

requested the Oregon testing site, and Dr Smithers, who indicated no preferences at this time. The two volunteers for November 2012 are Dr. Whittaker and Dr. Anderson. There were no volunteers at this time for the Part IV Test Committee meeting in June as the Board members needed to check their schedules and get back to Dr. Campbell.

**Proposed Rule Change – Chiropractors Suggestion of Cosmetology Rule Change**

The Board discussed their current (approved and submitted but not yet published) Rule change concerning what could and could not be delegated to Chiropractic Assistants (CA). One of the proposed exclusions is the use of lasers, particularly for cosmetic purposes. The current delegations reach into the Estheticians and Master Estheticians scope of practice. Two current members of the Barber, Cosmetology/Barber, Esthetician, Electrologist and Nail Technician Licensing Board (Cosmo Board) were present to talk a bit more about exactly what change the Chiropractic Board was requesting. The Chiropractic Board had made a request to address the Cosmo Board at their last meeting and was unable to attend. Ms. Veasy is an APRN and a licensed Master Esthetician as well as a National Certified Master Esthetician Instructor. She represents Esthetics Instructors and Esthetics Schools on the Cosmo Board. Ms. Frasier is a licensed Cosmetologist/Barber and Instructor as well as a licensed Master Esthetician and Chairperson of the Cosmo Board. One area of concern was because lasers can burn a patient's skin severely sometimes, prescriptions may be required. The Chiropractic Physicians do not have prescriptive rights. Ms. Veasy's concern is to protect the public. The proposed rule change would allow Chiropractors to supervise and delegate laser treatments. The Chiropractic Board was invited to send representation to the next Cosmo Board meeting. The date is March 5<sup>th</sup>, 2012, in room 474 of the Heber M. Wells Building. The Chiropractic item for discussion, with timely notification, could be put on the afternoon agenda at approximately 4:00 p.m. The Chiropractic Board thanked Ms. Veasy and Ms. Frasier for coming. Dr. Whittaker made a motion to continue the process for the proposed Rule Change, seconded by Dr. Smithers. Following discussion, the motion passed unanimously.

**Kevin R. Branham – Licensure by Endorsement Consideration**

Dr. Branham requested to meet with the Board for consideration of obtaining Chiropractic Physician license. He submitted a letter noting specific circumstances for not being able to pass the SPEC exam as part of the qualifications for licensure by endorsement. The Board discussed and noted for Dr. Branham, that the SPEC exam is required for licensure by law. The exam would have to be passed; there was no other way to licensure that the Board could offer. The Division has received his application for licensure, the Board noted, and the Division could hold the application process open, extending the period of time until the next exam is available. He may have to re-submit the affidavit and qualifying questionnaire sections of the application. The SPEC exam is given approximately every two months. The Board noted the next testing date will be in April. The Board suggested he just “keep loving” the Chiropractic practice and keep trying to pass the exam. The Board noted it feels compassion for Dr. Branham, his family and his circumstances. He noted he is going to take the Law and Rule exam right away. The Board noted it would accept an electronic verification form from Wisconsin. The Board also noted Utah does not have reciprocity with any other state.

**Disciplinary Procedures**

The Board discussed concern that after spending 14 hours in a hearing, it seemed that Ms. Stewart and the Assistant AG, Ms. Laurie Noda, went out into to hall with the attorneys and came back with an agreement. There had been no input from the Board.

Ms. Stewart and the Board discussed how the Stipulation and Order was originally offered back when the subject of the hearing was a licensed physician. The original offer expired when his license expired; therefore the only opportunity to take action on the license was to request revocation of residual rights. That action is where the Board’s participation was required as that is the hearing process. The Division could not revoke his rights; he was entitled to “due process”. “Due process” requires that he is entitled to a hearing on whether or not the State would revoke his residual rights. As a result of that hearing taking place, and his being able to exercise “due process”, the individual and his attorneys decided that he would really like to accept a restricted license under

**Disciplinary Procedures (Continued)**

a Stipulation and Order, subject to reinstatement/renewal, rather than continue the hearing to its conclusion and the Board's recommendations. If, however, the individual chooses not to sign the agreed upon Stipulation and Order which the Division has sent to him then actions with continue for the Division to revoke those residual rights. The individual will then have had his hearing and "due process" has been met. The Division may call for a recommendation from the Board as result of that hearing. The Board would then be required to consult and make a recommendation to the Director to revoke, or not, to restrict or whatever the Board decides to recommend. If the Board recommendation is to take his residual rights he may not re-apply for five years or a shorter period if determined.

The Board noted from the discussion that if an individual comes before the Board before things get to this point, it is better. It is not the Board's job to be punitive but to recommend what is in the Public interest and for the Public safety.

**Next Scheduled Meeting:**

Thursday, April 12<sup>th</sup>, 2012

**ADJOURN: 12:05 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.*

04/12/2012  
Date Approved

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

04/12/2012  
Date Approved

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