

MINUTES

**UTAH
CHIROPRACTIC PHYSICIAN LICENSING BOARD
MEETING**

April 12th, 2012

Room 474 (Fourth Floor) - 9:00 a.m.

Heber M. Wells Building

Salt Lake City, UT 84111

CONVENED: 9:05 a.m.

ADJOURNED: 11:55 a.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:

Candace Daly, lobbyist

DOPL Staff Present:

Mark Steinagel, Division director
Ray Walker, Regulator/Compliance Officer
Debbie Harry, Compliance Specialist

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Minutes:

The minutes from the January 12th, 2012 were reviewed. Dr. Wittaker made a motion, seconded by Dr. Anderson 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 had completed an agreed upon course. It was on line, presented by the FCLB and was quite an in depth operation. It was a three section course with modules on moral turpitude. Mr. Gundersen stated it was disappointing and hard to grasp some of the details of

Bruce Van Gundersen (continued)

other doctors and their thinking errors. He stated he still has interaction with guys who write for the magazine. His stated his challenges are his 88 year old mother who lives with him and her failing abilities. It is a distraction from his practice, which he is struggling in. It is hard not being on the insurance list. He stated he is coping by lowering prices and trying to do better, more accurate diagnosis. He stated Dr. Conger came in recently did an audit seems everything is fine. He stated he gets along with Dr. Conger fine. The Board stated they are impressed with his change in attitude. Dr. Gundersen stated it was surprising to see the number of successful people that would rationalize committing insurance fraud or other inappropriate actions. Dr. Gundersen stated he realized he is part of the problem and he is working everyday to make sure he is no longer part of the problem. He saw a graph of professions and their trust worthiness, from 19 professions the chiropractor came in 18th on near the bottom of the list. He stated he has done 24 continuing education hours and plans to attend a convention where he will be getting another 24 CE hours. The Board requested to see him at the July 12th, 2012 meeting. **Compliant**

Derek Birch

Dr. Whittaker interviewed Dr. Birch. The Board stated it had been six months since he was here. He stated his wife has been ill for a long time still no diagnosis other than MS. He stated he has a business opportunity to be the Health and Wellness Director at Walmart depending on his performance. He stated it would fit him perfectly. He is trying to get his name out there and make sure people remember it. He stated his employer is not aware of his charges. He stated he could help the entire Chiropractic field, be a big influence because of such a large employee base. He is not current on his CE's, it is almost impossible to get away for the weekend because he has two jobs right now. The Board suggested he use his lunch hour or go on line. Dr. Apgood and Dr. Wheelwright know of CE opportunities so Dr. Birch can renew his license. The Board reminded him don't lose track of your mentors. The Board noted all his paper work is in. Dr. Campbell reminded Dr. Birch it is important to hang around the Board or other people in the profession. The Board stated the profession needs him in Chiropractic profession and he needs the

Derek Birch (continued)

NEW STIPULATIONS:

John Paul Dudley

Chiropractic profession too. He stated he has never at any point wanted to lose his license. He stated he plans to get his CE's. The Board requested to see him at the July 12th, 2012 meeting. **Compliant**

Dr. Anderson conducted the phone interview with Mr. Dudley. This is his initial meeting with the Board. The Board noted he is compliant with everything except making the psycho sexual evaluation appointment within 30 days. Dr Dudley stated he thought he was compliant with all the terms and conditions in his MOU. Dr. Dudley initially requested a closed meeting. The Board stated he signed the MOU, it stated he would meet with the Board, all Board meetings are public meetings, except under extreme circumstances. He stated he is no longer requesting the meeting be closed. The Board requested information on his appointment for the evaluation with Dr. Waters. He stated there were only two therapists in his area those deals with his specific case. He stated he had a hard time getting a hold of them as they weren't using office staff. He stated he has an appointment this Wednesday April 18th, 2012. The Board asked if he had contacted North Carolina (NC) Board yet, he stated no. The Board noted failure to comply with all the terms of his MOU can call for a revocation of his license in Utah. The Division is required to contact cin-bad and have done that. The Board noted he had failed to meet the terms and stipulations in his MOU. Dr. Dudley stated the time to notify the NC Board was not specified in his MOU. The Board noted the longer he waits to tell NC Board the worse it looks. Dr. Whittaker made a motion seconded by Dr. Anderson, he needed to keep his appointment on April 18th, 2012 with Dr. Waters with confirmation to the Board, (specifically Ms. Harry or Ms. Stewart) from Dr. Waters the appointment be kept and the NC Board received a copy of his stipulation by April 19th, 2012 with confirmation to the Board that the NC Board has received it. The voting was unanimous. Dr. Dudley was a little confused about the motion; Ms. Stewart stated she would email him a copy of it. The Board noted if the Board does not like what he is doing, by not following his MOU it is over. Dr. Dudley stated he is self employed. He stated he had a supervisor he shared office space with Dr. Baltich. Dr. Dudley stated Dr. Baltich is a mentor and

knows of his charges. He stated he wants to keep his license. His stated his family is doing good. In general Dr. Dudley understands his MOU. He stated it has been a real struggle with his practice, just getting any business. He stated he is trying to build a business and strengthening his practice. He stated he feels he has learned his lesson. The Board recommended he continue to work on building his practice. The Board recommended he work within his religious affiliation for a 12 step program. Dr. Dudley thanked the Board for their time on his behalf. The Board requested to interview with him at the July 12th, 2012 meeting.

Compliant

DISCUSSION ITEMS:

Joseph Bowden: CE

The Division was contacted by Dr. Bowden requesting his CE requirement be waived. He stated he is currently serving a mission in Tonga. He does not have any way to physically get where CE are being offered. He has 22 hours only needs to waive 18 of the hours.

The Board discussed many of the options available to help people who had problems with getting their CE requirement met. These included: going on Inactive status or offering an agreement with the Health Care providing verification of inability. The Board Chair entertained a motion to waive CE requirements for the individuals on the agenda. There was no second so the motion died. The Board Chair entertained a motion to waive CE from 2010 to 2012. There was no second so the motion died. Dr. Whittaker made a motion, seconded by Dr. Smithers, to have Ms. Stewart offer a letter of agreement where the CE can be waived for this renewal cycle and doubled for the next renewal cycle; basically making the renewal CEs on a four year schedule instead of the two year renewal cycle. The voting was unanimous. Ms. Stewart stated she will contact them by email. If no agreement can be reached then each individuals is back to their original requirement.

Karen Kraftlick: CE

The Division was contacted by Dr. Kraftlick requesting her CE requirements be waived. She fell off a ladder and has been immobilized for a shattered leg bone. She is unable to get around getting to CE classes. The above motion for a letter of agreement is

Karen Kraftlick: CE (continued)

Larry Dean Peterson: CE

for this licensee also.

The Division was contacted by Dr. Peterson requesting his CE be waived. He was riding an ATV, had an accident and has a broken neck. He is getting up into a wheelchair but cannot sit very long at this point. The above motion for a letter of agreement is for this licensee also.

Proposed Rule Change

The proposed rule scheduled for March 1st, 2012 will not go forward because there were many comments and questions as to what the Chiropractor can delegate to assistants. The Board discussed SB 40 which was passed in the last legislative session. Ms. Candace Daly is the lobbyist who came in to discuss the intent of the current legislation with the Board. She stated there may be a little confusion as to what a chiropractor can and cannot do. The intent of rule was to help with the definitions of services offered. If the Board understands the intent it may help in writing rules, should they decided to do so. She stated one thing a chiropractor won't be able to do will be cosmetic medical procedure as defined by rule, and that rule is defined very narrowly. A cosmetic medical procedure has to include the use of equipment and either an ablative or non ablative procedure. A non-ablative procedure means that it is expected and intended to excise, vaporize, disintegrate or remove living tissue. An ablative procedure means that it is expected to excise, vaporize, disintegrate or remove living tissue. A superficial procedure means a procedure is expected and intended to temporarily alter living tissue and may excise or remove stratum cornium but have no appreciable risk of damage to the tissues below the stratum cornium. Ms. Dailey and the Board discussed SB 40 has an exemption for chiropractic physicians can do a cosmetic medical procedure for hair removal. In that particular exemption the chiropractor must demonstrate competency. The Board stated they fully expect to have this bill back up on the hill for changes.

Next Scheduled Meeting:

Thursday, July 12th, 2012

ADJOURN: 11:55 a.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 necessary shown in the chronological order they occurred.

07/12/20
Date Approved

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

07/12/2012
Date Approved

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