

MINUTES
UTAH
CHIROPRACTIC PHYSICIAN LICENSING BOARD
MEETING
October 16th, 2012

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

CONVENED: 9:07 a.m.

ADJOURNED: 11:55 a.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

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

Board Member Absent

None

Guests:

Tim Apgood, UCPA
Lew Wheelwright, UCPA
Jim Knight, UCPA
Kristina Stitcher, UCPA

DOPL Staff Present:

Debra Troxel, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Oath of Office:

Ms. Stewart administered the Oath of Office to Dr. Engar, DDS as a public member on the Board.

Minutes:

The minutes from the July 12th, 2012 were reviewed. Dr. Whittaker made a motion, seconded by Dr. Anderson, to approve the minutes as written. The motion passed unanimously.

APPOINTMENTS:

Debra Troxel, Compliance Unit Specialist

Ms. Troxel presented the compliance reports on the probationers being interviewed today.

Bruce Van Gundersen

Dr. Campbell interviewed Dr. Gundersen. He stated the Board is getting to be a good experience for him; he had no issues to report. He stated he is getting 24 CE credits every year. He stated some states give people CE credit for reading their journals. He also stated Dr. Conger was at his office two weeks ago checking over Dr. Gundersen records, and that when

Bruce Van Gundersen (continued)

he finished up his work, they talked about Dr. Conger's singing career. He stated he appreciated the Board taking time to help him work through this his probationary process. The Board requested to see him at the January 10th 2013 meeting. **Compliant**

Derek Birch

Dr. Whittaker interviewed Dr. Birch. He stated he is working on getting his CE's completed. His license was renewed under stipulation that his CE be met. He stated hopefully he can find one or two CE program out there. Dr. Apgood stated the Chiropractic Association is doing an open imaging one time per month and to register with Dr. Apgood. The Board stated he could also look under Allied Health Systems .com and they also noted Dr. McClean is his mentor he would have information on the CE's. Dr Birch must complete 35 hours of CE by May 1st, 2013. If they are not completed by that date he must voluntarily surrender his license. The Board requested copies of his report that he was off court probation. The Board requested to see him at the January 10th, 2013 meeting. **Non Compliant**

John Paul Dudley (Phone)

The Board attempted to call Dr. Dudley; however it went to an answer machine they left a message and will call back in 10 minutes. The second attempt the Board reached Dr. Dudley. Dr. Anderson interviewed Dr. Dudley. The Board asked about his wife how she is doing, and his family. He stated she picked up a substitute teaching job, to help with their financial stress. The family is doing fine. He stated he has not had any thoughts of relapse. He feels like he is starting from scratch with his business. He stated he is very involved in his church. He and his wife go for long drives and enjoy the scenery or watch a football game helps burn off some of the stress. The Board requested a better telephone interview, more energy. It seems to the Board he does not want to talk to the Board. He stated he does have a lot of professionals and a religious leader around to talk with. The Utah Board is very concerned with Dr. Dudley's North Carolina license status. He stated they are not taking any action against his license. The suggested he contact the North Carolina State Board and just check in with them let them he is willing to do whatever they request of him, make sure there are no grey areas. He stated they are watching to see what

John Paul Dudley (Phone) (continued)

the Utah Board does. The Board discussed the difference of the letter of the law and the spirit of the law. The Board feels Dr. Dudley is meeting the letter of the law. The Board noted again the phone conversation is hard; it is hard to talk with him. The Board stated on the next interview, think about how you could communicate better with the Board. It seems the Board has to drag information out of him; the Board would like Dr. Dudley to offer it. The Board stated he is the one who is on probation and it does not appear he has done any preparatory work. He doesn't know what was said or who he talked to. He stated he feels extremely nervous to have this meeting quarterly. He stated this interview was scary for him, and he feels he is being verbally attacked. The Board cautioned Dr. Dudley to be sure he answers the renewal questions for the North Carolina Board accurately. The Board noted all the requirements that are measurable have been met. He is in compliance. Ms. Stewart stated she would get in touch with the North Carolina State Board. Ms. Troxel stated she would check Cin-bad and the Controlled Substance Data base. The Board requested to interview him at the January 10th, 2013 meeting. After the phone interview with Dr. Dudley the Board discussed having him come to Utah for an in person interview with the Board. **Compliant**

DISCUSSION ITEMS:

Manipulation Under Anesthesia Question

The Board noted the Division has been receiving inquiries from other states as to whether the manipulation under anesthesia (MUA's) procedure is under Chiropractic scope of practice. The Board discussed some Chiropractic Schools teach MUA as part of the curriculum. The Board determined it is under their scope of practice. That brings up additional more questions, one being how you bill for it. The CPT code is for surgery. Surgery is not within the Chiropractic Doctors scope of practice. The Board discussed some doctors have teamed up with MD, DO or a Medical Clinic for billing purposes. The Board discussed if that was considered fee splitting and determined it was not.

Chiropractic Continuing Education for Licensing Board (Handout)

The Board discussed that some State Boards are accepting the reading of a journal as CE's. The Board noted every article has question at the end of it to make sure the article was read. The Board also

**Chiropractic Continuing Education
for Licensing Board (Handout) (continued)**

discussed the free CE. The Board questioned how it can be provided for free; there must be a hook. The Board determined that the sponsors were paying for it and then were available in the lobby after the program. The Board determined they could have the Standards of Care Committee review the concerns they have. Dr Engar made a motion that the committee be asked to review and determine and make recommendation to the Board at the January meeting as to ways in which Continuing Education Standards can be either tightened or altered to accommodate current issues. The motion was seconded by Dr. Anderson. The voting carried, with Dr Campbell, Dr Engar, Dr. Anderson and Dr. Smithers in favor and Dr. Whittaker opposed.

Review Law and Rule

The Board discussed there was a change to the General Rule that went in effect on October 29th, 2012. It changed certain things with regard to formalities and processes. In the event an individual does not comply sufficiently to the point that an Order to Show Cause motion be called for, the changes allow it to come before the Board in an informal process rather than a formal hearing. If the Board determines there is sufficient non-compliance they can make a motion to revoke.

Next Scheduled Meeting:

Thursday, January 10th, 2013

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.

January 10th, 2013
Date Approved

Craig Campbell
Chairman
Chiropractic Physician Licensing Board

January 10th, 2013
Date Approved

Rich Oborn
Bureau Manager
Division of Occupational & Professional Licensing