

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF .
KIP C. PORTER, DC · ORDER REINSTATING LICENSE
TO PRACTICE AS A .
CHIROPRACTIC PHYSICIAN .
IN THE STATE OF UTAH · Case No DOPL-2007-206

BY THE DIVISION

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated October 29, 2008, in the above-identified case number.

IT IS HEREBY ORDERED the probation on the license of KIP C PORTER to practice as a chiropractic physician is terminated and said license be reinstated with full privileges effective the date of this Order.

Dated this 20 day of October, 2011.




Mark B. Steinagel
Division Director

KARL G PERRY (# 2570)
Assistant Attorney General
MARK L SHURTLEFF (# 4666)
Utah Attorney General
Commercial Enforcement Division
160 East 300 South, 5th Floor
Box 140872
Salt Lake City, UT 84114-0872
Telephone: (801) 366-0310

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)
KIP C. PORTER, D.C.) **STIPULATION AND ORDER**
TO PRACTICE AS A)
CHIROPRACTOR) **CASE NO DOPL 2007--206**
IN THE STATE OF UTAH)

KIP C. PORTER, D.C (“Respondent”), and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3 The Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Chiropractic Physicians Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing.

5 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

6 Respondent admits

- a From January 22, 2001 to January 13, 2006 Respondent was subject to probationary terms and conditions on his license under the provisions described in Division case No. DOPL-2001-17, which was successfully completed.
- b In March 2006 while treating a female patient in her left shoulder/breast region, Respondent did not have a chaperone present.

7 Respondent agrees to the following action against his license

Respondent's license shall be suspended. The suspension shall be immediately stayed and Respondent's license shall be subject to a term of probation for three (3) years. During the three (3) year period the Respondent shall be subject to all of the following terms and conditions. If the Board/Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division.

- a. Respondent shall meet with the Board within thirty (30) days of the signing of this Stipulation and Order. Respondent shall then meet with the Board on a basis as determined by the Board for the remainder of the three (3) years governed by this Stipulation and Order. Respondent agrees to meet with an assigned staff member prior to the first Board meeting
- b. Respondent shall not examine, treat or counsel any female patient over ten (10) years of age without the presence of a chaperone. The presence of a chaperone shall be documented in the patient's file and on a form, agreed upon by the Board/Division, and signed by the chaperone and made available to the Board when requested during the three (3) year period with the appropriate HIPAA redactions. Respondent will use his best efforts to use a chaperone over the entire period that Respondent practices as a chiropractic physician, but after the three (3) year period this is not a restriction on his license
- c. Respondent shall as part of his regular CE requirements, complete an ethics and boundary course as approved by the Division
- d. Within the first six months after the entry of this order, or first available opportunity, Respondent shall successfully complete the ProBE Program administered through CPEP in Denver, Colorado which addresses boundary issues in the practice of the medical professions. After completion of this course, Respondent shall either meet with the Board or submit a written report to the Board explaining how the course has helped him and improved his practice

8. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

9 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation

10 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

11 Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
SALLY A. STEWART
Bureau Manager

DATE: OCT 23 2008

RESPONDENT

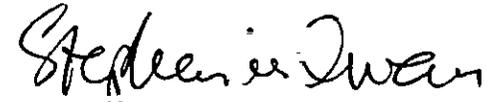
BY 
KIP C. PORTER, D.C.
Respondent Z

DATE 10/14/2008

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
KARL G. PERRY
Counsel for the Division

DATE 10/23/08

BY 
STEPHEN W. OWENS
Counsel for Respondent

DATE 10/14/08

ORDER

THE ABOVE STIPULATION, in the matter of **KIP C. PORTER, D.C.**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 29 day of October, 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F DAVID STANLEY
Director