

MINUTES
UTAH
CHIROPRACTIC PHYSICIAN LICENSING BOARD
MEETING
October 10th, 2013
Room 464 (Fourth Floor) - 9:00 a.m.
Heber M. Wells Building
Salt Lake City, UT 84111

CONVENED: 9:05 a.m.

ADJOURNED: 11:16 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
Richard Engar, DDS
Jay D. Anderson, DC

Board Member Absent:

none

Guests:

Jim Knight, DC, UCPA
Tim Apgood, Executive Director of the Utah
Chiropractic Physician Assn. (UCPA)
Lew Wheelwright, DC, UCPA

DOPL Staff Present:

Debra Troxel, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Minutes:

The minutes from the August 1st, 2013 meeting were reviewed by the Board. Dr. Engar made a motion, seconded by Dr. Smithers, to approve the minutes with changes. The voting was unanimous.

APPOINTMENTS:

Debra Troxel, Compliance Unit Specialist

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

John Paul Dudley

Dr. Dudley's probationary interview was conducted by telephone. The Board noted he was excused from the last Chiropractic Board meeting. It had been six months since the Board and he had visited. Dr. Dudley stated it was nice to be back in the routine of Fall. The Board noted the employer report was very positive. He stated he is working 30-35 hours a week. The Board noted his North Carolina (NC) license renews in January of every year. His family is doing well. The Board stated the phone call connections were good and his voice was clear. He is in

compliance. The Board stated they appreciated him coming out here for the April 11th, 2013 meeting. He was reminded to keep contact information current with Ms. Troxel. The Board stated it was nice that his CE's will count in both states. The Board stated January 9th, 2014 would be the next Board meeting; they would talk with him then. The Board stated they could hear in his voice he was emotionally compliant.

Compliant

Bruce Van Gundersen

Dr. Campbell interviewed Dr. Gundersen. He stated he has not inserted himself into the employer report loop on purpose. He stated things are fine. Dr. Gundersen will be editor of his paper. He gets to work with a lot of guys around the world and he enjoys that. He stated cash practice makes you work a little harder. In his office the 1st question is "date of birth of patient"; if the patient is not 18 years old, they are automatically referred to another Chiropractic doctor. He apologized for his edginess at the last meeting stating his mother had passed away. There was some emotional frustration with that. It was taking Medicaid a little time to catch up. The Board noted he seems to have accepted his situation. He stated he needs to keep busy, engaged and needed. He stated any extra time is the first step back to relapse with any addiction. He feels good about the paper; it does research in the Chiropractic field. He is in compliance. The Board requested to see him January 9th, 2014 for the next meeting. **Compliant**

Derek Birch

Dr Birch came in for his interview. He restated what was in the letter he wrote requesting early release. He stated he appreciated the Board. He had an opportunity to get a very well-paying job. He is requesting early release from probation to apply for an inactive license. He stated he is not the same person he was. He does not know if he wants to do Chiropractic or not. Dr. Engar asked him what he had learned during this probationary period. He has learned the way he treats his family and those around him is very important. He stated the phone calls he had to make confessing to those he loves and who love him were absolutely terrible. That alone is enough to never be in that position again. Dr. Engar made a motion, seconded by Dr. Whittaker, to amend the

existing order for early release. The voting was unanimous. The Division stated that once he receives his regular license he may apply for an inactive license. He thanked the Board once again for their work on his behalf. He stated if there is any way can help another Doctor, to prevent them from doing what he did, he will be happy to help. The Board suggested he talk to the Association. **Compliant**

Mark Lee Baker

Dr. Engar interviewed Dr. Baker. The Division drafted a Voluntary Surrender Stipulation and Order based on the non-compliance including that he not reapply for a period of three years. He signed the original probationary agreement in October of 2012. His probation would be over by now if he had complied with his Memorandum of Understanding and Order (MOU) from the beginning. He has brought with him an employer report dated today. It was supposed to come in every month; however this is the first report received. The Division has failed to see any compliance.

The Board stated they did not feel he is safe to practice on the public when he doesn't understand the simple things outlined in the MOU. The Board stated he should look at it as a time to heal the healer. Dr. Baker stated he would sign the Surrender Order. Dr. Engar made a motion, seconded by Dr. Whittaker, to request the voluntary Surrender with no reapplication for two years. The voting was unanimous. The Board suggested he use his church's program and get some healing. They recommended he get healed and come back. The Division stated the Surrender Order needs to be returned to the Division within ten days of receiving it. There will be action for a revocation if he fails to meet the time deadline. In two years, he can reapply for a license. The Division stated no license is ever guaranteed. The Board will see him again if and when he applies. **Non-compliant**

DISCUSSION ITEMS: Registration of AHPRA

The Division received this notice of an out-of-the-country program. They stated they are an accredited program but their accreditation is different from the accreditation used in the United States (US). The US uses accreditation of the CCE. Ms. Stewart stated it was just informational. The schools have not been allowing foreign education to count either. The Board

decided not to move in any direction on the letter right now. The Board stated they may revisit the AHPRA Registration and foreign education at a later date.

Next Scheduled Meeting:

Thursday, January 9th, 2014

ADJOURN: 11:16 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.

Date Approved

1-9-14

Chairman

Chiropractic Physician Licensing Board

Date Approved

01/09/2014

Bureau Manager

Division of Occupational & Professional Licensing