

MINUTES
UTAH
CHIROPRACTIC PHYSICIAN LICENSING BOARD
MEETING

April 11th, 2013

Room 402 (Fourth Floor) - 9:00 a.m.

Heber M. Wells Building

Salt Lake City, UT 84111

CONVENED: 9:00 a.m.

ADJOURNED: 11:20 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

Board Member Absent:

Jay Anderson, DC, excused

Guests:

Tim Appgood, UCPA
Lew Wheelwright, UCPA
Jim Knight, UCPA
Kristina Stitche, UCPA
Jay Shetlin, UCPA

DOPL Staff Present:

Debra Troxel, Compliance Specialist

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Minutes:

DECISIONS AND RECOMMENDATIONS

The minutes from the January 10th, 2013 meeting were reviewed by the Board. Dr. Engar made a motion, seconded by Dr. Whittaker to approve the minutes with corrections. 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. Engar interviewed Dr. Dudley. The Board welcomed him back to Utah. He stated it has been a challenge. The Board asked him why he wanted to keep his license in Utah. He stated he does not want to run away from taking responsibility for his actions. He wants to see this probation through. He stated his children want to go to school in Utah; he may be moving back here one day. He stated his license in North Carolina (NC) is active. The Board noted the end of his probation is getting in sight in 2015, a three year Memorandum of Understanding and Order

John Paul Dudley (continued)

(MOU). He did attend a convention in NC as NC requires 24 hours of CE every year. NC has an annual renewal. He submits reports quarterly. His employer report was very good. He stated he has 12 hours in online CE; but UT only allows 10 hours of CE's online. His CE in NC counts also in UT. He was asked to please keep the Board apprised on renewal status. He may one day want to come back; school for kids etc. Family life is good. He cannot afford his old hobbies, like golf etc. The Board noted he has his supervisor and he is compliant. The Board appreciates his sacrifice of coming out. This is reasonable as it is his first in-person interview due to the distance. The Board recommended doing a Skype interview in the future. The Board stated if he is compliance he should not have to come in person again. He was told to make sure he has a landline connection. They wished him good luck. His attitude is a lot different from the hearing. The Division would prefer that we continue his interviews quarterly as the situation may be fairly unstable and could erupt at any time. The Board suggests a Skype or other type of face to face interview. Dr. Engar recommended this. The July Board meeting may be cancelled. Dr. Engar offered his office board room during DOPL's reconstruction. The Board could also do an electronic meeting.

COMPLIANT

Bruce Van Gundersen

Dr. Campbell interviewed Dr. Gundersen. He stated it is nice to be here this morning. Things for him are getting better; he is learning all the new deductibles with the health care changes. He is looking for a new editor. The current editor is suffering with pancreatic cancer. He has hired a few people. Most of his time is spent on the phone and answering e-mail. He has shared in the economic times across the nation. Dr. Conger was in touch with him to go over his files. He stated that so far he has 18 hours of CE. He is also working with the Saltair Barbershop quartet with a course or program and singing as the Tenor. He has been meeting with Chris Kessler to help Chris but it helps Dr. Gunderson also. His mother is fully integrated into the care facility. His blood pressure is low. He now has his wife's child living with him again. He is helping Bob Banta runs a program every Saturday to help sex offenders. These guys have an

Bruce Van Gundersen (continued)

addiction to pornography. He has his own experience to offer. He is feeling very good. He stated that they do not have a 12-step type program in programs that he has been involved with. He handed out a written request to terminate his probation as is allowed in his MOU. The Board thanked him for being pleasant. He promises to be pleasant from now on. He also stated that addictions never go away. **COMPLIANT**

Derek Wayne Birch

Dr. Whittaker interviewed Dr. Birch. He has all his continuing education completed per the Letter of Agreement he signed with DOPL. Now he has started working on the next hours for the next renewal period. He has a new position at the store. They have had him working overnight six days a week. Now he is on four days on and four days off. He is down to just one job. He has an interview for a position related to chiropractic practice or a related area. He is not enjoying what he is doing now; doesn't get to see his wife. His wife is working as a dental assistant and with a computer company. He feels like there is a connection between himself and Chiropractics. The Division stated he is showing directional intent. He said he appreciated the Board and Association as they have certainly been helpful. The Board noted he is very different than he was a year ago. He is getting an education in life that he has not had for a long time. He still comes back reflecting that he would leave this meeting in tears, not knowing what to do. He has not talked with Ted Conger about possible practice. His wife's health has stabilized although she is still having numbness in her legs. She is doing okay. The new Health and Wellness position he is being considered for is in Southern Utah. It is a market level position where he would be over all the stores in Utah and have a 6-figure income but all these years of training to be a chiropractic physician would be paying off for him. The position will lend itself to doing some chiropractic work. First and foremost would be that his wife would not have to work. It sounds like he is on a forward path. He said the last 12 hours of CE were brutal. The Board requested that if he writes his history, he provide the Division with a copy to place in his file. He wants to be of help others. He was informed that for the July meeting we will be under construction. It was suggested that his next meeting not be until

Derek Wayne Birch (continued)

October. Dr. Whittaker made a motion to that effect, seconded by Dr. Engar. Voting was unanimous. As long as he is compliant he will be excused. He still needs to contact Dr. Conger. He said his past was a matter of being overwhelmed. **COMPLIANT**

Mark Lee Baker

Dr. Engar interviewed Dr. Baker. He needs to complete a data sheet or basic information. He has made some progress but is still working on some things. The Board received his paragraph on the anger management course. We did receive the police report but still need the sentencing or court reports. Dr. Engar said to keep a file and a second copy in case it does not come in. He has a therapist and we have a copy of a treatment plan or outline. It was recommended that his MOU be amended to modify the terms set forth 5d so a series of personal counseling sessions with the pre-approved therapist, with a letter from the therapist, be acceptable in lieu of the additional professional education course focusing on behavior modification. The letter would show his achieving the goals outlined in the treatment plan. Dr. Engar read it and said she has given him home work. The letter from the therapist will show completion. Dr. Engar made a motion to amend the MOU, seconded by Dr. Whittaker. The voting was unanimous.

Dr. Baker was told he needs to arrange for a supervisor. He thinks Gaylen Barge might do that. He was told he needs a practice associate since his previously arranged one had declined. He needs to work a minimum of eight hours per week, every month for one year. He was told his probation may not end until all the conditions have been met. Records review would be a way to make sure all the notes are complete and the reviewer could agree to be the "supervisor". Ms. Troxel will talk to him after the interview about all the forms, terms and conditions. His therapist must submit a treatment plan. He is not complying with supervision or other terms. He will not be permitted to come off restricted or probationary status until all the terms and conditions are met.

He said that for the last three months he has been driving a truck so he didn't complete the essay. We

Mark Lee Baker (continued)

got the essay today which is six months from when his probation started, four months after he had promised it would be here. The Board stated he should re-read his MOU. He was told to provide the additional required information within the week. Ms. Stewart read his letter on what he had learned from the previously completed anger management course. He was told to tell us what he learned, not to recount the events of the time. He stated that he does not deal well with bureaucracy. He was told to provide the essay within 5 days via e-mail so that it could be sent to the Board. He stated that he works very hard with his patients. He will be requested to attend the next meeting in July, 2013. Dr. Engar offered the use of his office for the meeting again. **NON-COMPLIANT**

General Question:

A question was asked, "Could a blind chiropractor do the job?" The Board noted that nationwide there are blind Chiropractic Physicians working in the field so it would be up to the individual.

NEW STIPULATIONS:

Brian Eric Johnston (Telephone)

Dr. Johnston contacted Ms. Troxel indicating he would like to voluntarily surrender his license. He has moved out-of-state and would like to terminate the agreement and licensure. Ms. Stewart was asked to send him a Surrender Stipulation and Order with the agreement not to re-apply for five years. His previous actions would still possibly be effective if he re-applies since he had lied on his renewal application and was restricted on probation.

DISCUSSION ITEMS:

The Board was informed of the changes concerning the minutes and recorded meeting that is to begin posting on the Open and Public Meeting website as of May 14th, 2013.

Application Review – Brandon Lee Hatch

Brandon Lee Hatch is another individual who was previously licensed but has not practiced recently. He has taken all the National Board exams. He is currently licensed in another state but has not been practicing. He has a pending situation involving malpractice and fraud. It is noted that he is innocent until proven guilty. The Board wants to meet with him to see if he is current on his knowledge and techniques. He meets the qualifications for licensure by education and examination but has not been practicing so they would like to interview him. They

Brandon Lee Hatch continued)

may suggest something similar to what was done with Dr. Ziegler with similar circumstances. Dr. Engar made a motion to request he meet with the Board, seconded by Dr. Whittaker. The voting was unanimous. He will be asked to attend the next meeting.

David Ziegler – Review

There were certain assertions made at the last Board meeting. He initially planned to work with an individual who decided to sell his practice instead. Dr. Ken Anderson may agree to be his supervisor at a location in Sandy. He has submitted this request to Dr Anderson. He hasn't had a chance to get his head wrapped around getting back into the profession. He will forward all information to Ms. Stewart, who will circulate it to the Board. He was asked to re-submit a practice plan with Dr. Anderson. Dr. Anderson could not be here today but will be for the next meeting to report on Dr. Ziegler's progress. He has a lot of work to do to get back into practice but he is doing it. He says he did see 40 patients. He doesn't have much stamina but is enjoying his come back. He feels there is a lot of support out there. He will e-mail information to Ms. Stewart.

CE Requirements

There is concern that the same materials presented without sponsorship is not counted as CEU. Dr. Jim Knight spoke about hours and the clear requirements. He stated that there is national accreditation for CE providers. They can be certified by Pace or NBCE The presenter should not be attempting to certify himself. This discussion was for clarification only.

Next Scheduled Meeting:

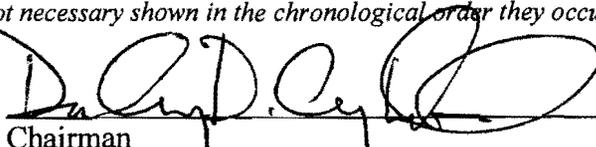
Thursday, July 11th, 2013

ADJOURN: 11:20 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.

8/1/13
Date Approved


Chairman
Chiropractic Physician Licensing Board

05/01/2013
Date Approved


Bureau Manager
Division of Occupational & Professional Licensing