

Guest Sign in Sheet

Date: August 1<sup>st</sup> 2013

Board Meeting: Chiropractic Physician Board

**Please Print Legibly**

<u>Name</u>	<u>Phone #</u>	<u>Representing</u>
1. <u>Tim Knight</u>	_____	_____
2. <u>Tim Appgood</u>	_____	<u>Executive Director of Utah Chiropractic Association</u>
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
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11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____

Early Release Request  
letter

Bruce Van; Gundersen  
4211 Holladay Blvd.  
Holladay, Utah [84124]

Hand Delivered 11 April 2013

11 Apr 2013

MARK B. STEINAGEL, Director  
LAURIE L NODA, Assistant Attorney General  
SALLY STEWART, Bureau Manager  
CRAIG D. CAMPBELL, DC  
CARLYLE BRET WHITTAKER, DC  
MICHAEL D. SMITHERS, DC  
JAY D. ANDERSON, DC  
RICHARD C. ENGAR  
dba Division of Occupational and Professional Licensing and Chiropractic Licensing Board

Heber M Wells Bldg  
160 E. 300 South  
P.O. Box 140872  
Salt lake City, UT 84114-0872

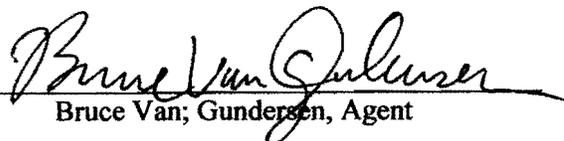
Subject: LICENSE of BRUCE VAN GUNDERSEN, Respondent, Probation Termination

References: STIPULATION AND ORDER CASE NO DOPL 2013-343

Pursuant to the above referenced Stipulation and Order section 8, paragraph 1, line 13, "If Respondent is in substantial compliance with all the terms and conditions of this Stipulation and Order for a period of 30 (thirty) months from the effective date of this Stipulation and Order, then Respondent may submit a request to the Division and Board that the remaining 30 (thirty) months of probation be immediately terminated."

Having been declared by the chairman at each attended meeting required during the past 30 (thirty) months of probation to be in compliance, as of April 14, 2013, BRUCE VAN GUNDERSEN hereby requests that the remaining 30 (thirty) months of probation on the LICENSE of BRUCE VAN GUNDERSEN be immediately terminated as proscribed in said order.

Presented,

by   
Bruce Van; Gundersen, Agent

Attachment;

LAURIE L. NODA (U.S.B. 4753)  
Assistant Attorney General  
MARK L. SHURTLEFF (U.S.B. 4666)  
Attorney General  
Commercial Enforcement Division  
Heber M. Wells Building  
Box 146741  
Salt Lake City, UT 84114-6741  
TEL: (801) 366-0310

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**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 )  
**BRUCE VAN GUNDERSEN** ) **STIPULATION AND ORDER**  
TO PRACTICE AS A )  
CHIROPRACTIC PHYSICIAN ) **CASE NO. DOPL 2010-343**  
IN THE STATE OF UTAH )

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**BRUCE VAN GUNDERSEN** (“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. Respondent understands that Respondent has the right to be represented by counsel in this matter. Respondent is represented in this matter by Matthew R. Lewis, of the law firm of Ray, Quinney & Nebeker, P.C.

4. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

5. Respondent understands that if a Petition and Notice of Agency Action were filed Respondent is entitled to a hearing before the State of Utah's Chiropractic Physician Licensing Board ("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 understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-46b-12 through R156-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent was first licensed to practice as chiropractic physician in the State of Utah on or about January 26, 1978.
- b. On or about July 16, 2002, Respondent's license to practice as a chiropractic physician in the State of Utah was disciplined after Respondent voluntarily signed a Stipulation and Order in DOPL Case No. 2002-167. Respondent's license was revoked, the revocation stayed, and Respondent's license was placed on probation for a period of five years.

- c. On or about August 20, 2007 Respondent's administrative probation was terminated, however Respondent's license to practice as a chiropractic physician in the State of Utah was still restricted, in that Respondent could not treat persons under 18 years of age.
- d. Respondent admits that Respondent treated four patients under 18 years of age approximately eleven times over an eighteen month period while the probationary period was ongoing.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) because Respondent violated the prior Stipulation and Order by treating minor patients. Respondent agrees that by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2), may be issued in this matter. Accordingly, in order to resolve this matter without further expense or delay, Respondent and the Division agree as follows:

- (1) Respondent's license to practice as a chiropractic physician shall be revoked. This revocation shall be immediately stayed and Respondent's license shall be subject to a term of probation for a period of five years. Respondent's license shall be suspended for a period of three months. The period of suspension shall be immediately stayed. If Respondent violates any material term or condition of this Stipulation, the Division may, after notice and opportunity to be heard, lift the stay on the suspension of Respondent's license. The period of probation shall commence on the date the Division Director signs the accompanying Order. During the period of probation Respondent's license shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division. If Respondent is in substantial compliance with all the terms and conditions of this Stipulation and Order for a period of 30 (thirty) months from the effective date of this Stipulation and Order, then Respondent may submit a request to the Division and Board that the remaining 30 (thirty) months of probation be immediately terminated. Nothing in this Stipulation and Order is a

guarantee that any such request will be approved in any way by the Division or Board.

- a. Respondent shall meet with a Division staff person within (30) days of the signing of the accompanying Order. Respondent shall meet with the Board at the Board meeting currently scheduled for January 13, 2011, following the signing of the accompanying Order. Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Board to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division or Board, annually or at such other greater or lesser frequency as the Division or Board may direct. Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. The Board agrees to make reasonable accommodations to account for Respondent's schedule. A material failure by Respondent shall be considered a violation of this Stipulation and Order.
- b. Respondent shall not treat, examine, or provide care for any person under the age of 18 (eighteen) years old at any time Respondent is licensed as a chiropractic physician in the State of Utah, in perpetuity. This restriction shall remain unless the Stipulation and Order is amended by the Division upon recommendation by the Board.
- c. An auditor, who is a chiropractic physician licensed and in good standing in the State of Utah, shall audit 15 (fifteen) of Respondent's current patient records quarterly. The auditor shall be pre-approved by the Division on the Board's recommendation. The auditor shall select which patient records shall be audited. The first audit shall occur within 90 days of the effective date of this Stipulation and Order. The auditor shall make a quarterly report of the auditor's findings. Respondent shall pay any reasonable fee or cost due to the auditor for the auditor's time and effort.
- d. Failure of Respondent to pay the reasonable costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
- e. Respondent shall notify any employer or practice associate of Respondent's restricted status and the terms of this agreement.
- f. Respondent shall successfully complete a continuing professional education course focusing on professional ethics. The ethics course

shall be pre-approved by the Division and Board. The ethics course shall be successfully completed within six months of the effective date of this Stipulation and Order. Respondent shall complete an ethics course, pre-approved by the Division and Board, every year until Respondent's probation is terminated. The ethics courses shall not count toward Respondent's regular continuing education requirement.

- g. If Respondent is employed, Respondent shall deliver a copy of this Order to Respondent's employer (within ten days of the establishment of the supervisory relationship) and cause Respondent's employer to notify the Division in writing that a copy has been received. Respondent shall cause employer to submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's probation and ethics. The reports shall be submitted monthly for the first six months and quarterly thereafter, or at such frequency as directed by the Board and Division. An unfavorable report may be the basis for an investigation by the Division and may be considered a violation of this agreement if Respondent is found to have violated this Order.
- h. In the event Respondent does not practice for a period of sixty (60) days or longer, Respondent shall notify the Division and Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Division and Board to modify this requirement if Respondent satisfactorily explains to the Division and Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.
- i. Respondent shall notify the Division and Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession.
- j. If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency

places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order.

- k. If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, including an offense based on the conduct described in this Stipulation and Order, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.
- l. Respondent shall maintain a current license at all times during the period of this agreement.
- m. Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.

9. Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this non-criminal administrative 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 they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show

Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, and dependent upon the outcome of any resulting hearing, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

11. 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. Respondent agrees not to take any action or make any public statement that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall 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 comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that a reasonable time period for completion of that term or condition shall be set by the Division and Board. Failure to comply with and timely complete a material term or condition shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. Respondent understands that the disciplinary action taken by the Division in this

Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

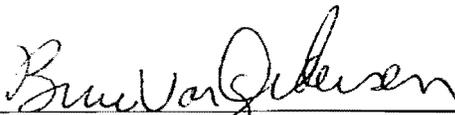
14. If Respondent violates any material term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

15. 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

RESPONDENT

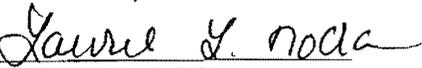
BY:   
SALLY A. STEWART  
Bureau Manager

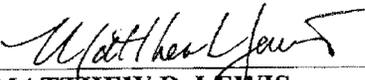
BY:   
BRUCE VAN GUNDERSEN  
Respondent *without Prejudice*

DATE: 10-13-2010

DATE: 10-12-10

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY:   
LAURIE L. NODA  
Counsel for the Division

BY:   
MATTHEW R. LEWIS  
Counsel for Respondent

DATE: 10/13/2010

DATE: 10/13/2010

**ORDER**

THE ABOVE STIPULATION, in the matter of **BRUCE VAN GUNDERSEN**, 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 issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 13 day of October, 2010.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
**MARK B. STEINAGEL**  
Director

Investigator: John Sims

**MAILING CERTIFICATE**

I hereby certify that on the 14 day of October, 2010 a true and correct copy of the foregoing STIPULATION AND ORDER, was sent first class mail, postage prepaid, to the following:

BRUCE VAN GUNDERSEN



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Online Continuing Education Courses  
www.OnlineCE.com info@onlinece.com

PO Box 428 Wallingford, CT 06492  
Phone (860)463-9003 Fax (860)606-9555

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June 28, 2013

RECEIVED

JUL 02 2013

DIVISION OF PROFESSIONAL  
& PROFESSIONAL LICENSING

TO: Board of Chiropractic Examiners

Enclosed, please find five copies of our Newsletter: Chiropractic Continuing Education Updates for Licensing Boards.

This newsletter contains short articles that may be of interest to your Board Members in regard to continuing education topics, research articles and other information on distanced based learning.

Please feel free to distribute it and make additional copies as needed.

# Chiropractic Continuing Education Updates for Licensing Boards

July 2013

Courtesy of Online Continuing Ed, LLC—Home of

**ChiroCredit.com and OnlineCE.com**

*Providing Healthcare Professionals with high quality and clinically relevant distance based continuing education to educate the Professional and Protect the Public*

## Special points of interest:

- \* FCLB Certified Chiropractic Assistant Credentialing Program
- \* Appropriate use of Manipulation Under Anesthesia
- \* Online learners outperform face-to-face learners

## Inside this issue:

FCLB Certified Chiropractic Assistant Credentialing Program 1

Manipulation Under Anesthesia 1

IJS Department of Education Study on Online Learning 2

Currently only 11 states license or regulate chiropractic assistants but that is changing rapidly. A growing number of additional states are considering statutory changes requiring specific training for CAs. More importantly, many of the major insurance carriers, always looking for ways to lower their costs, are denying payment for therapeutic modalities that are rendered by a non-certified health care provider.

*"...services rendered by non-licensed individuals are not eligible for reimbursement." (United Health Care)*

*"Supervised treatment in the absence of skilled intervention is not billable time." (BlueCross BlueShield of Kansas City)*

To address this issue, the Federation

of Chiropractic Licensing Boards (FCLB) has developed a CA Certification including a National Certification Examination administered by the National Board of Chiropractic Examiners.

**ChiroCredit.com**, an FCLB approved PACE provider, is pleased to announce our 24 hour, **CERTIFIED CHIROPRACTIC CLINICAL ASSISTANT** program. Completion of the course makes the Chiropractic Assistant eligible to take the FCLB National Certification Examination.

For information about the FCLB - Certified Chiropractic Clinical Assistant credentialing program please go to: <http://www.fclb.org/ChiroAssistants.aspx>

(Continued page 2)



Distanced Based Learning Programs for the Chiropractic Profession

## Contact Us

OnlineContinuingEd, LLC  
PO Box 428  
Wallingford CT, 06492

Email: [info@OnlineCE.com](mailto:info@OnlineCE.com)  
Fax: 860-606-9555  
Phone: 860-463-9003

Manipulation under anesthesia (MUA) has been a mainstay of manual medicine for over 75 years and practiced within Chiropractic for more than 40 years. A dozen or so states allow the performance of MUA procedures within the Chiropractic scope of practice, yet the procedure remains controversial. Since using MUA involves a significant financial incentive for the DC, the anesthesiologist and the hospital/ surgical center where the MUA will be performed, it is important to

make sure that the decision to use MUA is appropriate.

### When Is MUA Warranted?

MUA should be limited to patients with specific neuromusculoskeletal conditions that:

- a) have failed to respond to other types of conservative management
- b) are chronic and recurrent
- c) cause disability that has been

shown to respond to MUA or d) have severe symptoms that could be temporarily relieved by the MUA procedure.

The patient must also be medically cleared for tolerance to sedation.

### Before Performing MUA

The surest way to ensure patient safety and prevent the influence of

(Continued page 2)

## Manipulation Under Anesthesia

## Certified Chiropractic Clinical Assistant Course (cont. from page 1)

The course covers all the core competencies that are included in the FCLB National Certification Examination:

### 1. Foundational Knowledge

The successful examinee has the general entry-level knowledge necessary for working in a chiropractic office.

### 2. Patient Safety and Procedures



### Competency Description:

The successful examinee has the entry-level knowledge and ability to complete tasks related to patient treatment and recognize and appropriately respond to situations that may compromise patient safety.

### 3. Documentation

#### Competency Description:

The successful examinee

has the entry-level knowledge and ability to complete tasks related to the proper creation, handling and storage of patient data, including activities associated with the billing of patient services.

### 4. Ethics and Boundaries

*Competency Description:* The successful examinee exhibits entry-level ethical decision-making ability and recognition of appropriate interpersonal boundaries.

*"...services rendered by non-licensed individuals are not eligible for reimbursement." (United Health Care)*

*"Supervised treatment in the absence of skilled intervention is not billable time." (BlueCross BlueShield of Kansas City)*

## US Department of Education Study on Online Learning

The US Department of Education completed a study entitled: Evaluation of Evidence-Based Practices in Online Learning: A Meta-Analysis and Review of Online Learning Studies, Revised September 2010. Here are some Key points from that study:

- Students in online conditions performed modestly better, on average, than those learning the same material through traditional face-to-face instruction.
- The effectiveness of online learning approaches appears quite broad across different content and learner types. Online learning appeared to be an effective option for both undergraduates (mean effect of +0.30,  $p < .001$ ) and for graduate students and professionals (+0.10,  $p < .05$ ) in a wide range of academic and professional studies.
- Asynchronous discourse is inherently self-reflective and therefore more conducive to deep learning than is synchronous discourse (Harlen and Doubler 2004; Hiltz and Goldman 2005; Jaffee et al. 2006).

## Manipulation Under Anesthesia

(continued from page 1)

financial incentives is to exercise strict adherence to proper treatment protocols and patient selection. Appropriate training and certification of all providers involved in the pre-screening, treatment, recovery and post-procedure follow-up are essential. Certification programs in MUA typically mirror the guidelines of the International MUA Academy of Physicians, although advanced training is recommended.

The hospital or surgical center where the MUA is being performed must have up-to-date

licenses, inspections and certifications; sufficient monitoring and emergency equipment to deal with complications; and trained and experienced support staff. Also essential are regularly scheduled case reviews with the rest of the treatment team to identify systemic issues and improve patient outcomes.

Last, the MUA procedure and follow-up care, including all pertinent risk and potential benefits, must be openly discussed with the patient, so informed consent may be

obtained.

Authored by: Richard Saportio, DC, OABCO

\* Professional Ethics: Manipulation Under Anesthesia. Be aware of ethical issues surrounding manipulation under anesthesia. ACAnews | April 2010