

**MINUTES**  
**UTAH**  
**CHIROPRACTIC PHYSICIAN LICENSING BOARD**  
**MEETING**  
**July 12<sup>th</sup>, 2012**

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

**CONVENED: 9:05 a.m.**

**ADJOURNED: 11:15 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

**Board Member Absent**

Ed Sperry, Public Member

**Guests:**

Tim Apgood, Utah Chiropractic Physicians Assoc.  
James Adelman  
Gretchen Birch, support for Derek Birch

**DOPL Staff Present:**

Debbie Harry , Compliance Specialist

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

**Minutes:**

The minutes from the April 12<sup>th</sup>, 2012 were reviewed. Dr. Smithers made a motion, seconded by Dr. Anderson, to approve the minutes as written. The motion passed unanimously.

**APPOINTMENTS:**

**Debbie Harry, Compliance Unit Specialist**

Ms. Harry presented the status reports on the probationers being interviewed today.

**Bruce Van Gundersen**

Dr. Campbell interviewed Dr. Gundersen. He stated he is doing very well. He is the editor of a journal for a college, providing him contact with a lot of other doctors; he finds the activity stimulating with new ideas and ways doing services. He stated his business has had a rough time getting clients. He stated Dr. Conger was at his office recently. He stated Dr. Conger is fair, positive and helpful. He stated he is healthy. He is still taking care of his mother; she can't be left alone because of health issues. He stated she is 89 years old and sometimes wanders into his office; she has not wandered in patient rooms. He stated he

**Bruce Van Gundersen** (continued)

has contracted with Aspen (Health Care) for someone just talk with her and see to her meals. He stated he appreciates the Board's time. The Board reminded him he is not to see the supervisor's employer report. If there is a problem it will be brought to his attention at the next Board meeting. The Board inquired what the form 5010 is that he was talking about. He stated it is the new HIPPA forms, Medicare will not process claims without that specific forms. The Board requested to see him at the October 11<sup>th</sup>, 2012 Board meeting. **Compliant**

**Derek Birch**

The Board noted it has been six months since he has met with the Board. He stated not a whole of things have changed. He stated his current employment is requiring his attendance earlier and he is staying later. He is trying to show the people at Walmart that he is dedicated to health programs for Walmart employees. In a weeks time he is working seventy to seventy-five hours in a week. Dr. Birch stated he was also working at United Parcel Service (UPS), a new manager took over and no longer allows him to leave early to get to his other job. He is no longer working at UPS. The Board noted he is not in compliance because his Continuing Educations Units (CEU)'s are not completed, he stated it is because of financial hardship and time. The Board asked if the fees were reduced substantially if he would be able to make the time to complete his CEU's. He stated he is trying to support his family. He does not want to lose his license. He wants to be a chiropractor. Mr. Apgood stated he and the Utah Chiropractic Physician Association (UCPA) would waive the fees for the November, April and February seminars to help him get his required CEU's and be compliant again. The UCPA would need to charge him \$25.00-\$30.00 for the food. A motion was made by Dr. Whittaker seconded by Dr. Anderson that a letter of agreement be drafted allowing him to complete 36 hours of CEU's by May 1<sup>st</sup>, 2013 and a total of 76 hours by May 31, 2014., with the stipulation that if he failed to complete the 36 hours by the time required he surrenders his license and cannot reapply for five years, there is no guarantee he would be issued a license at that time. The Board noted a letter of agreement is not setting precedence because of some unusual circumstances. The Board stated to Dr. Birch "do not procrastinate". The Board reminded

**Derek Birch** (continued)

him you cannot in any way put yourself forward using the “Doctor” title if you are not licensed. You may claim your education but not the title. The Board requested he not forget his paper work due to Ms. Harry by the 28<sup>th</sup> of the month. Dr. Birch wanted to say thank you to the generosity of Tim Apgood of the UCPA and the Board. The Board requested to see him at the October 11<sup>th</sup>, 2012 meeting. **Non-compliant**

**John Paul Dudley** (Phone)

Dr. Anderson conducted a telephone interview with Dr. Dudley. Dr. Anderson noted there had been some issues with timeliness, of renewal, CEU’s and Employer reports. The Board noted Employer reports had a work report filled out for time that had not yet occurred, some had dates crossed out and some appeared to be faxed copies. The Board told Dr. Dudley he is not to see the employer report, they cannot be photo copies with dates crossed out and 1 sentence is not enough on the employer report. The Board needs more information. The Board requested an updated on his family. He stated his wife is doing well and kids are doing good. There are obviously some challenges with employment. The Board addressed the evaluation. Dr. Dudley’s cell phone kept dropping the calls. Dr. Dudley stated the evaluation had been beneficial to him. He stated he had no feelings of relapse. His cell phone dropped the call again. The Board stated the next interview will have to be in a private location on a land line. The Board stated he was having a hard time communicating and so was the Board. The Board stated at the next interview he needs to present himself more professionally. The Board is frustrated at how the interview is going. The Board noted every time we call you it’s like you just got of bed or your having a bad hair day. The Board needs more energy from him. The next interview is scheduled for October 11<sup>th</sup>, 2012. The Board stated show some respect to the Board. The Board stated if the license means anything to you the next interview needs to be a whole lot different. The Board will not tolerate a cell phone interview; call Ms. Harry with the number to the landline phone number. **Non-compliant**

**DISCUSSION ITEMS:**

**Eric Russell**

Mr. Eric Russell had presented a letter earlier to Ms. Stewart from the New Zealand College, it was distributed to each Board member. The Division noted

**Eric Russell** (continued)

this is the second time we have had a question about accepting schooling from a school outside of the United States. The Board is determined to stay with United States accreditation only at this time.

**Proposed Rule Change**

The Division stated just as a matter of information. The requested Division rule change that was proposed has expired. There has been no change in the rules from the August 21<sup>st</sup> of 2009 rules.

**Summary**

There was a handout provided for the Board. They discussed the Administrative Summary: SB 40. The Board discussed SB 40 and proper supervision on cosmetic medical procedures, truth in advertising, general rules for supervisors and the composition of delegation groups.

**Next Scheduled Meeting:**

Thursday, January 10th, 2013

**ADJOURN: 11:15 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.*

10/16/12  
Date Approved

Craig Campbell DC  
Chairman  
Chiropractic Physician Licensing Board

10/16/12  
Date Approved

Sally A. Stewart  
Bureau Manager  
Division of Occupational & Professional Licensing