

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
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DEPARTMENT OF COMMERCE
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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
JOHN OLIVER MEADORS, DC TO
PRACTICE AS A CHIROPRACTIC
PHYSICIAN IN THE STATE OF UTAH

ORDER

CASE NO. DOPL-2013-225

BY THE DIRECTOR:

April Ellis, Acting Director of the Division of Occupational and Professional Licensing, has reviewed the February 11, 2014 findings of fact, conclusions of law, and recommended order of the Utah Chiropractic Physicians Licensing Board in this matter and hereby adopts the recommendation in its entirety.

ORDER

Respondent's license to practice as a chiropractic physician in the state of Utah is revoked, with the revocation stayed immediately in favor of license suspension. While Respondent's license is suspended, he shall cease and desist from advertising and providing chiropractic and healing art services and treatments, whether provided by Respondent individually or through any company or business Respondent owns or operates, whether in

whole or in part. Respondent's license shall remain suspended for a period of at least six months, with the suspension being lifted in favor of license probation upon Respondent's complying with the following conditions to the satisfaction of the Board:

1. Respondent shall establish pricing for chiropractic and healing art services and treatments on a per-service, per-treatment, per-visit basis. Respondent shall disclose his pricing schedule up front to each patient who presents for treatment. If Respondent offers a package price that is discounted, each service, treatment, and visit shall be discounted proportionately.
2. Respondent shall establish a non-interest-bearing escrow trust account in which to hold and secure patient funds tendered in advance for anticipated or scheduled services. Respondent shall not draw from the trust account any money unless he can first demonstrate the following:
 - a. that appropriate diagnostic steps were taken before the associated treatment or service was recommended to the patient;
 - b. that the patient understood the associated treatment or service and consented to undergo it; and
 - c. that the treatment or service was actually provided by Respondent or by a person properly trained and supervised by Respondent to provide the treatment or service.
3. Respondent shall modify his accounting procedures to provide each patient whose funds are secured in Respondent's trust account with an account balance statement at the conclusion of each service, treatment, or visit. The statement may be in paper or electronic form.
4. Respondent shall modify his refund policy so that it is clear and internally consistent. Respondent shall demonstrate that his refund policy complies strictly with all applicable statutes and regulations and that refunds are tendered promptly, whether they are requested or otherwise required.
5. Respondent shall revise his record-keeping system to ensure that it documents all patient information, diagnostic processes, treatment actions, and service providers on a per-service, per-treatment, per-visit basis.
6. Respondent shall provide all advertising, regardless of medium, to the Board for approval in advance of the advertising being disseminated to the public.
7. Respondent shall secure a peer supervisor to oversee all aspects of his professional practice, including business operations and record keeping. The peer supervisor shall be

approved by the Board in advance. If the peer supervisor charges a fee for his or her services, Respondent shall personally bear the costs.

Upon Respondent's complying with the above conditions for obtaining a probationary license, Respondent's license shall remain on probation for a period of five years, according to the following terms and conditions:

1. Respondent and his supervisor shall meet personally with the Board at the first regularly-scheduled Board meeting following issuance of the probationary license to discuss supervision goals. Goals shall include review of Respondent's billing and patient records, as well as any other aspects of professional and ethical practice that the supervisor finds to be of concern. Thereafter, Respondent shall meet with the Board on a quarterly basis.
2. While on probation, Respondent shall work under the supervision of his peer supervisor and bear any associated costs. Respondent's supervisor shall review at least 20% of Respondent's patient records on a random basis and bring to the Board's attention any records that are incomplete or that demonstrate a failure to comply with industry standards, whether as to patient treatment, billing, or otherwise.
3. Respondent shall cause Respondent's supervisor to submit reports to the Board and Division assessing Respondent's compliance with the substantive and ethical regulations governing the chiropractic profession. The reports shall be submitted monthly for the first six months of license probation and quarterly thereafter. The receipt of an unfavorable report may be considered to be a violation of probation.
4. At each meeting with the Board, Respondent shall provide for the Board's review his billing and treatment records for any patient who has funds in Respondent's trust account, but who has cancelled or missed three or more treatments or appointments. Respondent shall also provide for the Board's review any additional billing and patient records identified by his supervisor as being incomplete or otherwise faulty.
5. No later than Respondent's second quarterly meeting with the Board, he shall provide an essay detailing what he has learned from this disciplinary action.
6. Respondent shall provide all advertising, regardless of medium, to the Board for approval in advance of the advertising being disseminated to the public.
7. During each license renewal cycle while Respondent's license remains on probation, Respondent shall successfully complete an ethics course through the Federation of Chiropractic Licensing Boards PACE program (Providers of Approved Continuing Education). Any course Respondent proposes to complete in satisfaction of this requirement shall be approved by the Board in advance. Respondent may not use this ethics course to satisfy his ongoing continuing education requirement for license renewal.

8. At the Board meeting immediately following Respondent's completion of each ethics course, Respondent shall provide to the Board an essay detailing what he learned from the course and any changes he needs to make in his professional practice.
9. Respondent shall notify any employer or practice associate of Respondent's license probation. Respondent shall provide a copy of this final order to any employer or practice associate and cause any such employer or practice associate to acknowledge in writing receipt of this final order.
10. While on probation, Respondent shall be subject to random investigation by the Division, with or without notice, whether announced or under cover.
11. 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 his license probation. 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 is impractical or unduly burdensome. Respondent shall work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" as a chiropractic physician.
12. 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 shall be required regardless of whether Respondent is employed as a chiropractic physician.
13. 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. Respondent shall notify the licensing authorities of the jurisdiction to which Respondent moves of the provisions of this final order. Periods of residency or practice outside the State of Utah may apply to the license probation period if the new state of residency places equal or greater conditions upon Respondent as those contained in this final order.
14. Respondent shall maintain an active license at all times during the period of probation. Failure to do so shall be considered a violation of Respondent's probation.
15. Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.
16. Should Respondent violate or fail to comply with any term or condition of his license probation, the stay of his license revocation may be lifted following the Board's review of the circumstances. Such review shall be conducted in an informal proceeding without hearing.

17. Respondent's license probation may not be terminated early other than as specified in Paragraph 16 above.

This order shall be effective on the signature date below.

DATED this 12 day of February, 2014.

UTAH DEPARTMENT OF COMMERCE



April Ellis
Acting Director, Division of Occupational and
Professional Licensing

Notice of Right to Administrative Review

Review of this order may be sought by filing a written request for administrative review with the Executive Director of the Department of Commerce within thirty (30) days after the issuance of this order. Any such request must comply with the requirements of Utah Code Ann. § 63G-4-301 and Utah Admin. Code R151-4-902.