



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

Minutes of the Board Meeting of the North Dakota State Board of Chiropractic Examiners held January 19, 2017 at the Ramada Hotel Bismarck, Bismarck, ND with the conclusion on January 20, 2017 following the New Doctor Seminar.

Call to Order: Dr. Michael Remmick called the meeting to order at 9:30 AM CST.

Roll Call: Those present included Dr. Michael Remmick, Dr. Dion Ficek, Dr. Eric Froehling, Dr. Steven Pederson, Dr. Kent Yohe and Executive Director Lisa Blanchard. Public Attendees: Dr. Jerry Blanchard.

Additions to the Agenda: A motion was made by Dr. Froehling, second by Dr. Ficek, to approve the agenda with the following additions. Motion passed.

ND Child Support – Data Match email

Mandan Chiropractic Clinic Facebook Advertisement

For time, scheduling, and overlapping of topics the meeting did not follow the strict order of the posted agenda. These minutes will reflect the order of business as completed during the meeting.

Approvals:

A motion was made by Dr. Pederson, second by Dr. Yohe, to approve the minutes of the September 23, 2016 Board Meeting and the November 2, 2016 Conference Call. Motion passed.

A motion was made by Dr. Ficek, second by Dr. Yohe, to accept and approve the 2016 3rd and 4th Quarter Reports of the Executive Director. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the 2016 3rd and 4th Quarter Financial Reports. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the Treasurer Approved checks over \$500.00 for the 2016 3rd and 4th Quarters. Motion passed.

The Executive Director and the Treasurer updated the Board accounts to clarify and expand some of the existing accounts to meet the needs of the Board. The 2017 Proposed Budget was prepared with the new accounts. A motion was made by Dr. Froehling, second by Dr. Ficek, to accept the 2017 Proposed Budget. Motion passed.

The 2016 Audit was not completed at the time of the meeting. It will be added to an agenda once completed.

Reports:

A motion was made by Dr. Ficek, second by Dr. Yohe, to accept the FCLB District Meeting Reports from Dr. Froehling and Dr. Pederson and the Part IV Testing report of Dr. Yohe. Motion passed.

Mr. Edward Erickson, Assistant Attorney General, arrived at the meeting at 10:30 AM.

Cases:

Dr. W. Nelson. The fee required in the Conditional Dismissal was received. His attendance at the New Dr. Seminar on January 20th is expected. All terms of the agreement will be met with his attendance. No action taken.

Dr. N. Weiss. There have been no updates or reports provided to the Board. Mr. Erickson reported that Dr. Weiss is having issues with BCBS MN. The Executive Director was instructed to contact Affiliated Monitors to request an update. No action taken.

Dr. Lamp. The updated settlement agreement approved at the September 23, 2016 was prepared by Mr. Erickson and sent to Dr. Lamp via his attorney. No response from either Dr. Lamp or his attorney have been received. No action taken at this time.

Premier Chiropractic/Dr. Perry-Domres and Dr. Mason. The Facebook posts and response have been reviewed. A motion was made by Dr. Pederson, second Dr. Ficek, to offer a conditional dismissal to each of the doctors in the clinic. The fee for Dr. Perry-Domres and Dr. Mason will be \$250.00/each and attendance at the next New Dr. Seminar. The Executive Director shared that both doctors have given their RSVP that they plan to attend the seminar on January 20, 2017. If they attend, this will fulfill that term of the conditional dismissal. A roll call vote was taken with all members voting affirmative. Motion passed.

New Business:

National Provider Data Bank (NPDB) – Use of Private Agreements. Mr. Erickson reviewed the information provided to the Board regarding this NPDB policy. The Board may continue to use the Conditional Dismissal and not violate the reporting requirements of the NPDB.

Cases:

Strive Chiropractic. The follow-up email from the complainant was received and reviewed. The Board has concerns this situation is not limited to this one patient and likely involves many. The Executive Director was instructed to draft a letter to NDBCBS informing them of the issues presented and to request information from them on the current status of any investigations occurring on their side.

Old Business:

Administrative Rules. The Administrative Rule Committee accepted the proposed rules presented to them at their December 5, 2016 meeting with the exception of the addition to 17-03-01(18)(h). The committee requests that the Board attend their upcoming meeting in March 2017 to provide additional information on the Board's need for this rule. The Board discussed whether or not they wished to

proceed with the addition to the rules or if they should forgo the change at this time. A motion was made by Dr. Ficek, second by Dr. Pederson, to move forward with the proposed rule in March. Motion passed.

CCCA Bill. HB 1087 has been passed by the House and the Board is waiting for the bill to be heard in the Senate which is expected to occur after the bill crossover date. The Board discussed the questions that were brought up on the House floor during their discussion. Dr. Froehling will review the testimony to see if anything additional can be added in attempt to cover those concerns. Information only. No action taken.

Website. The Executive Director reported on the current status of her work on the website. At some point, she will provide the Board members with a link to the development site so they may review and make suggestions for edits, etc. Jurisprudence Exam proposal. The Executive Director was able to provide the members with a clarification on the estimate for the Jurisprudence Examination. A motion was made by Dr. Pederson, second by Dr. Froehling, to accept the proposed estimate from Albertson's to add and include the Jurisprudence Examination on the Board's website. Motion passed.

Privacy Policy for Website/Organization. Albertson's has advised the Board to include a privacy policy on the website to include the information gathered and how it is shared. The Executive Director will draft a policy for the Board to review and edit. No action taken.

Procurement. The Executive Director reported on the status of purchasing and procedure with the ND Procurement rules. It is a slow process and very frustrating, but is being done correctly. Information only.

Professional Organization Requirements. Mr. Erickson repeated that by N.D.C.C. 10-31-13, it is the license holder's requirement to submit their annual reports to the Board of Examiners. The Board will notify all license holders with the license renewal notices of this obligation. The Executive Director will contact the Secretary of State's Business Registration Unit to inquire if they are able to provide a list to the Board for those individuals that have registered a Professional Organization.

FARB Membership. As of August 2016, the Board holds a Regulatory Board Membership with FARB and all board members and Mr. Erickson should be able to login or create a login to view any of their resources. Information only.

New Business:

Mandan Chiropractic Clinic. The Board reviewed the advertisement that appeared on Facebook. Per Board procedure, the Executive Director will send a letter asking for the clinic/chiropractor in question to respond.

Game and Fish Issues. Dr. Pederson reported on the status of his conversations and the outcome. The Warden that denied the permits was incorrect in her denials and has been instructed so. Issue has been resolved – no action taken.

Cases:

At 1:30 PM, Dr. Carol Jean Winkler joined the meeting in person. Additionally, at 1:30 PM, the Executive Director called Mr. Ross Nilson at his office and placed the call on speakerphone. Dr. Jake Schmitz was also present at Mr. Nilson's office.

Freedom Chiropractic. Dr. Remmick outlined what the Board has received to date, including 3 Peer Review Reports. The Peer Review committee intends to complete 1 additional report from an upcoming on-site review. At that time, the Board will share the final review with Dr. Schmitz and all 4 reports to Dr. Condon and Dr. Jaeger and allow each party to respond to the Peer Review committee reports. No action taken at this time. Mr. Nilson asked if there was a timeline regarding the on-site visit and any protocols. Dr. Remmick responded that the Board would anticipate that the visit would occur within the next month and that the committee may proceed as they wish in their on-site visit.

The telephone call with Mr. Nilson's office was concluded at the end of this discussion, which occurred at 1:37 PM.

New Business:

Dr. Vein's questions on Fee Schedule Programs. The Board discussed and reviewed the information gathered by Dr. Remmick. Mr. Erickson would like to review the information further and asked the Executive Director to forward the emails from Dr. Remmick to him. The Executive Director will respond to Dr. Vein, via email, informing him that the Board is handing this question over to our legal counsel and we will provide a response at a later time after the legal review.

Travel-to-Treat Concerns/Questions. Dr. Yohe has concerns with the Board's application/rules regarding Travel-to-Treat. The Executive Director reported that this application is rarely requested and has only been used 1 or 2 times in her employment. The FCLB is in the process of developing a Passport Program that could replace this process/application. No action taken at this time. We will wait for further information from the FCLB.

T10/Proctorship Application Questions. Mr. Erickson recommended that the Board may want to add Administrative Rules to further define both internships. Until this occurs, if the sponsoring chiropractor is under current investigation at the time of application, the Board will inform the Chiropractic College or University of the situation and allow them to determine whether or not they will accept the sponsoring doctor's application. No action taken.

Chiropractic Hospital Law (N.D.C.C. 23-17). Due to a request from NDSU, the Board was made aware of this law in the ND Century Code. Information only. No action taken.

Sanford Hospital Information from Dr. Saylor. The Board has reviewed the information provided by Dr. Saylor. Information only.

Animal Chiropractic/Meeting with the Vet Board. The original meeting with the Veterinarian Board was cancelled due to weather. The Boards will be meeting on January 20, 2017. Dr. Remmick reviewed his thoughts and direction with the other board members. Mr. Erickson shared his thoughts and conversations with their attorney. No action taken. The Board will discuss further after the initial meeting.

Mr. Edward Erickson exits the meeting at 3:05 PM.

Conference Call Company. The Executive Director recommends that the Board switch to GoTo Meetings for their conference call provider. A motion was made by Dr. Pederson, second by Dr. Froehling, to switch to GoTo Meetings as our conference call provider. Motion passed.

License Holder/Member Directory question. The Executive Director informed the Board of the request from Dr. William Paape. The Board has not published a member directory. They have a roster available for purchase and previously voted that all parties, including license holders, must purchase the list. No action taken.

Reimbursements for State and National Meetings. The Executive Director shared the state reimbursement guidelines regarding in-state and out-of-state travel expenses. Currently, the Board is not paying the food reimbursement correctly. Additionally, there has been no reimbursement on food for travel to the National Meetings. The Executive Director updated the Vouchers to reflect the in-state food guidelines and will provide the members traveling out of state with a separate food voucher with the appropriate rates for the city of travel. A motion was made by Dr. Pederson, second by Dr. Yohe, to pay the in-state expenses correctly and to include the food for national meetings. Motion passed (4-1 vote with Remmick voting No). The new vouchers will be used from this meeting forward.

FCLB Dues. The 2017 dues for the FCLB will be \$1,070.00. A motion was made by Dr. Froehling, second by Dr. Ficek, to pay the 2017 FCLB dues. Motion passed.

FCLB/NBCE Voting Delegates. For the FCLB, Dr. Remmick will be voting and Dr. Ficek will be alternate. For NBCE, Dr. Ficek will be voting and Dr. Remmick will be alternate. A motion was made by Dr. Pederson, second by Dr. Yohe, to accept the above designations. Motion passed.

Calendar: The members reviewed the calendar and selected the attendees and delegates as follows –
Part IV Testing (May) – Remmick & Ficek
Part IV Testing (November) – Pederson & Yohe
Part IV Test Writing (June) – Yohe
FCLB Annual Meeting – Remmick, Ficek, & Blanchard
FCLB District Meeting – Froehling & Pederson

Election of Officers: A motion was made by Dr. Yohe, second by Dr. Pederson, to nominate Dr. Remmick as President, Dr. Ficek as Vice President, and Dr. Froehling as Secretary/Treasurer. Motion passed.

New Business:

Peer Review Committee Reimbursement. The committee members have all submitted vouchers to their current work. All exceed the \$1,500.00 limit the Board requested further approval prior to payment. A motion was made by Dr. Froehling, second by Dr. Yohe, to pay the entire vouchers (to date) for each of the Peer Review Committee Members (Winkler, Schmidt, & Schuler). Motion passed.

Per Diem:

A motion was made by Dr. Froehling, second by Dr. Ficek, to pay: 2 days Per Diem; 2 days Food (applicable quarters); 2 or 3 days Hotel, as applicable. Motion passed.

New Business:

Executive Director Contract & Review. The Executive Director exited the meeting. The performance of the ED was discussed and a positive motion from Dr. Ficek, second by Dr. Pederson, for a 5% increase in salary for Ms. Blanchard as Executive Director. Motion passed.

Recess and Adjourn.

The full Board will be attending the NDCA Legislative Social starting at 6:00 PM on January 19, 2017.
The full Board will be attending the Veterinary Board's meeting at Noon on January 20, 2017.
The Board will be holding their New Doctor Seminar on January 20, 2017 at 6:30 PM.

A motion was made by Dr. Froehling, second by Dr. Ficek, to recess the meeting. The meeting recessed at 4:30 PM. Motion passed.

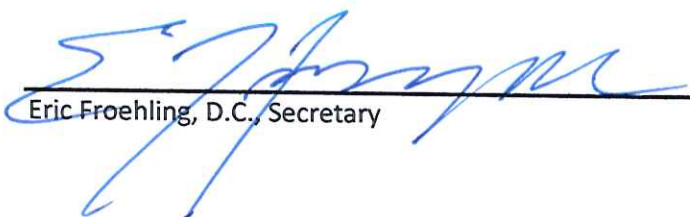
All Board members attended the NDCA Legislative Social. The members held individual conversations with legislators in attendance regarding the Administrative Rules and HB 1087. No board business was discussed nor were any actions made or taken. The event officially concluded at 9:00 PM.

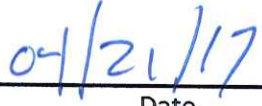
All Board members, along with Mr. Edward Erickson, joined the Veterinarian Board of Examiners at their meeting on January 20, 2017 at Noon. The meeting was held at the ND Heritage Center. Present for the Veterinarian Board were Dr. Carolyn Woodruff (President), Dr. Gerald Buchholtz, Ms. Lynn Priebe, Ms. Carmel Miller, Dr. John Boyce (Executive Director), and Mr. Dutch Bialke. Also in attendance was Dr. Haas, President of the ND Veterinarian Association. The two boards discussed their thoughts and ideas on how to proceed with the issue of animal manipulation. No decisions were reached, but each board will begin their own work on regulations and meet again in the future; possibly in June at the next Veterinarian Board meeting. This meeting lasted approximately 90 minutes.

The Board held their New Doctor Seminar on January 20, 2017 at the Ramada Hotel Bismarck. It began at 6:30 PM. There were twelve doctors in attendance, including Dr. Nelson, Dr. Perry-Domres, and Dr. Mason. Also attending and presenting were Dr. Holkup and Dr. Muth from the NDCA and Ms. Shauna Vistad from ND BCBS.

Adjourn. A motion was made by Dr. Pederson, second by Dr. Ficek, to adjourn the meeting. Motion passed. The meeting ended at 8:30 PM on January 20, 2017.

These minutes were prepared by Lisa Blanchard, Executive Director, for signature by Dr. Eric Froehling, Secretary.


Eric Froehling, D.C., Secretary


Date