



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Board Meeting of the North Dakota State Board of Chiropractic
Examiners held September 22, 2017 at the Radisson Hotel, Bismarck, ND**

Call to Order: Dr. Dion Ficek called the meeting to order at 9:00 AM. As the board appointment has not been made at the time of the meeting, Dr. Ficek, Vice President, will preside as acting President.

Roll Call: Those present included, Dr. Dion Ficek, Dr. Eric Froehling, Dr. Steven Pederson, Dr. Kent Yohe, Dr. Michael Remmick, Executive Director Lisa Blanchard, and Assistant Attorney General Mr. Edward Erickson. Public present at the start of the meeting included Dr. Jacob Schmitz, Dr. Kristian Anderson, and Dr. Carson Muth. A public attendee sign-in sheet was used and is attached to these minutes.

Reading of the Mission Statement: Dr. Dion Ficek

Statement regarding the Board appointment: Dr. Ficek asked Mr. Erickson to make a statement regarding the board appointment that at the time of the meeting had not been completed. Mr. Erickson confirmed, per the Century Code, that Dr. Remmick's term on the board does not conclude until the new member is appointed and qualified.

Additions to the Agenda:

Dr. Galt/Acupuncture
FARB Board Membership

A motion was made by Dr. Froehling, second by Dr. Yohe, to accept the additions and approve the agenda as amended. Motion passed.

Approvals:

A motion was made by Dr. Remmick, second by Dr. Yohe, to approve the Minutes from: April 21, 2017, May 17, 2017, May 24, 2017, June 14, 2017, June 26, 2017, July 19, 2017, and August 16, 2017 (with typo correction). Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the Executive Director 2nd Quarter Report (with typo correction) and the 2017 2nd Quarter Financial Reports. Motion passed

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the 2017 2nd Quarter Treasurer Approved Checks over \$500.00. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to accept the 2016 Audit as presented. Motion passed.

Reports:

A motion was made by Dr. Remmick, second by Dr. Yohe, to accept the FCLB Annual Meeting reports of Dr. Remmick, Dr. Ficek, and Lisa Blanchard. Motion passed.

A motion was made by Dr. Remmick, second by Dr. Yohe, to accept the Part IV Testing (May) reports of Dr. Remmick and Dr. Ficek. Motion passed.

A motion was made by Dr. Remmick, second by Dr. Pederson, to accept the Part IV Test Writing report of Dr. Yohe. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Yohe, to accept the FARB CRT Conference report of Lisa Blanchard. Motion passed.

Old Business:

NDCA Bylaw Proposed Changes/HCR3026 (Administrative Rules Committee). Dr. Muth and Dr. Anderson, representing the NDCA, reported on their proposed bylaw changes regarding the appointment to the Board of Examiners for the 2018 Annual Business meeting of the NDCA. The proposed changes would include the eligibility for all license holders on the plebiscite. It would also include that all license holders would be eligible for voting, to be held in a separate meeting directly prior to the NDCA Annual Business Meeting. They have been in contact with members of the Administrative Rules Committee regarding their proposals. Information only – no action taken.

Cases:

Dr. N. Weiss. No new reports have been received. The Executive Director was instructed to draft a letter to Affiliated Monitors requesting an update on the issues occurring and a timeline.

Dr. Lamp. To be revisited at the April 2018 board meeting. No action.

Freedom Chiropractic (Dr. Schmitz) (Dr. Condon). Dr. Schmitz's response was received. Discussion regarding the response was held. A motion was made by Dr. Remmick, second by Dr. Pederson, to have Mr. Erickson return the original settlement agreement offer to Dr. Schmitz, with no changes made, allowing 14-days from receipt for a response. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Wiseth. Dr. Wiseth's response was received and reviewed. Mr. Erickson shared the options available to the board. A motion was made by Dr. Froehling, second by Dr. Pederson, to offer a settlement agreement to Dr. Wiseth to include monitoring by Affiliated Monitors for 12 months to include 3 reviews of 20 records. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Mr. Matthew Kroger arrives at the meeting at 11:30 AM.

Dr. Sauer. The response was received from Dr. Sauer. After review, the Board members had additional questions. A motion was made by Dr. Remmick, second by Dr. Yohe, to have the Executive Director draft a letter to Dr. Sauer requesting the seminar/marketing transcripts from the last 4 seminars held. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Syvrud. The photograph, provided to the Board in an informal manner, was reviewed. Mr. Erickson stated the Board could ask for a response for additional information, even though it was not a formal complaint. The Executive Director was instructed to send a letter to Dr. Syvrud asking him to respond.

Dr. Galt. The complaint regarding his acupuncture procedures was reviewed. Per due process, the Executive Director was instructed to send a letter to Dr. Galt requesting his response to the complaint.

Dr. Yohe. Dr. Yohe recused himself and Dr. Ficek requested he exit the room for the discussion. The advertising complaint has been received. Per due process, the Executive Director was instructed to send a letter to Dr. Yohe requesting his response to the complaint.

The Board recessed for lunch at 12:00 PM.

The meeting resumed at 12:50 PM. All members of the Board, Lisa Blanchard, Mr. Erickson, and Dr. Schmitz returned. The other public members did not return after the lunch break.

Cases (continued):

Dr. Blackwood. The response to the complaint was received and reviewed. The Board members had additional questions from the response. The Board members will provide their list of questions to the Executive Director by September 29th. She will compile the list of questions and draft a letter along with Mr. Erickson.

Old Business:

Animal Chiropractic. This continues to be an agenda item. There has been no action nor new information since the meeting with the Vet board. Mr. Erickson advised that if this board were to move forward, his recommendation would be a change to the law. He also advised that this may be a topic that the NDCA may want to work with the Vet Association on trying to find a common middle ground. No action taken.

License Renewal Report. Executive Director provided the annual license renewal report. It will be attached to the Executive Director's 2017 3rd Quarter report.

CCCA. There still seems to be a lot of confusion regarding the start date and deadlines. A motion was made by D. Pederson, second by Dr. Froehling, to authorize the Executive Director to send a mass email as a reminder and providing a "grace period" deadline of December 1st to all license holders. Motion passed. Also, the Board confirmed that we are using the FCLB program for the education and examination only and the CCCA does not need to maintain that certification with the FCLB if they do not want to.

Other Century Code Sections. This was added to the agenda as a reminder that there are additional Century Code sections that apply to our board. The Executive Director added these to the tablets for the board's reference. Information only.

Disciplinary Review Alternative. Dr. Remmick had prepared a draft in response to his previous conversation with Dr. Fred Deutsch of SD regarding an alternative to Affiliated Monitors for reviews.

The Executive Director will draft a letter for Dr. Deutsch inquiring about his interest and if so, requesting information from him. Instruction only.

Dual Fee Schedules. The Board requested Mr. Erickson's explanation and/or understanding regarding the regulations regarding dual fee schedules. The dual fee schedule issues arise due to provider contracts with federal programs (Medicare/Medicaid) and third-party payors. Information only.

Website. The Executive Director has received many positive feedback comments. She has begun work with Albertson's on the Jurisprudence Exam. The exam will be 50 total questions. There will only be 50 questions with no additional question pool. The questions will be randomized on each examination. As the examination is open-book, the passing rate will be 90%. She will report on progress as it is completed. Information only.

Member Tablets. A few technical glitches, but that happens with all devices. So far, we have been able to solve, update, or fix all items. Mr. Erickson reminded the board that these are for board business only.

FARB Membership. A motion was made by Dr. Froehling, second by Dr. Pederson, to extend our Regulatory Board Membership for an additional year. Motion passed.

New Business:

Peer Review Policy & Procedure. The Board discussed having a Peer Review committee policy and procedure document drafted. This would assist in future committees when attempting to appoint members and make the expectations of the Board clear. This will include the rate of \$150.00/hour to cap at 10 hours with a preliminary report due to the Board at that time. The Executive Director will begin work on this draft and the Board will review and approve in the future as it is edited and altered. Information only at this time.

Continuing Education for attending FCLB/NBCE Annual and District meetings. A motion was made by Dr. Pederson, second by Dr. Remmick, to grant each board member 10 total hours of continuing education when attending the Annual and District Meetings of the FCLB/NBCE. Motion passed.

2017 Audit Accountant Firm. The Executive Director will work with the Procurement office to create a RFP to be sent out. Will report again when more information is known.

Board Policies. The Executive Director learned at the FARB CRT conference that all board policies should be readily available or contained in a single document/book. This should be reviewed on an annual basis. The Executive Director will start putting this together. This will be a work-in-progress document.

Board Phone. The board phone is starting to lose its life. The Executive Director will look into costs and upgrades. This is not a mandatory contract via Procurement, but there is a contract in place and will research this as it may have a better deal than the current phone/plan. Information only.

Board Records Retention Schedule. The Executive Director recently learned that the Board did not have an official filed retention schedule with the state. She was not aware of this regulation. She will begin the process of getting the board complaint with any regulations. Information only.


Calendar Review. Nothing added for 2017. The September 2018 meeting will have a conflict as the FCLB District Meeting is scheduled for the same weekend. To be discussed in January 2018.

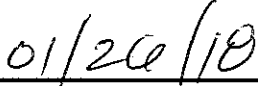
Per Diem. A motion was made by Dr. Pederson, second by Dr. Froehling, to pay per diem for this meeting. Motion passed.

Recess for the New Doctor Seminar. The Board recessed at 4:00 PM. The Board members attended the NDCA New Doctor Social that was held. The seminar began at 6:30 PM. There were 16 doctors in attendance.

Adjourn. A motion was made by Dr. Remmick, second by Dr. Froehling, to adjourn the meeting. Motion passed. The meeting ended at 8:00 PM.

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


Eric Froehling, D.C., Secretary


Date

ND Board of Chiropractic Examiners 9/22/2017 Public Attendee Sign-In

Please Print Your Name

Jake Schmitz

Kris Anderson

Carson Muth

Mark Kroger