



**NORTH DAKOTA  
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Board Meeting of the North Dakota State Board of Chiropractic Examiners held January 22, 2016 at the Radisson Hotel Bismarck, Bismarck, ND**

**Call to Order:** Dr. Joel Weiss called the meeting to order at 9:15 AM CST.

**Roll Call:** Those present included Dr. Joel Weiss, Dr. Michael Remmick, Dr. Dion Ficek, Dr. Eric Froehling, Dr. Steven Pederson, and Executive Director Lisa Blanchard. No other public was present at the start of the meeting.

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

Records request from Mr. Ross Nilson (cases involving Mr. Crabtree)  
High School Physicals – questions for Mr. Erickson

**Approvals:**

A motion was made by Dr. Froehling, second by Dr. Ficek, to approve the minutes of the September 18, 2015 Board Meeting, November 16, 2015 Conference Call, December 16, 2015 Conference Call, and the January 6, 2016 Conference Call. Motion passed.

A motion was made by Dr. Pederson, second by Dr. Ficek, to accept and approve the 2015 3<sup>rd</sup> and 4<sup>th</sup> Quarter Reports of the Executive Director. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the 2015 3<sup>rd</sup> and 4<sup>th</sup> Quarter Financial Reports. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Ficek, to approve the Treasurer Approved checks over \$500.00 for the 2015 3<sup>rd</sup> and 4<sup>th</sup> Quarters. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to accept the 2015 Audit. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Ficek, to accept the 2016 Proposed Budget. Motion passed.

**Reports:**

A motion was made by Dr. Remmick, second by Dr. Pederson, to accept the FCLB District Meeting Reports and the Part IV Testing reports of Dr. Weiss and Dr. Ficek. Motion passed.

**Board Retreat/Board Office Operations Section:**

*This portion of the meeting was held in a less formal manner. It was a review and discussion regarding current board operations. Much of the information shared and discussed was informational only. Changes or decisions made were done in the proper manner of motions and voting which will be reflected in these minutes.*

Mission Statement. Discussion was held regarding creating and adopting a formal mission statement for the Board. After review of several samples from other chiropractic licensing boards and other ND health boards, the Board formally adopted the following as their mission statement. The motion was made by Dr. Ficek, second by Dr. Froehling. Motion passed.

*“The mission statement of the North Dakota State Board of Chiropractic Examiners is to protect the public’s health, welfare, and safety through effective licensure, investigation, and enforcement of properly updated statutes and rules governing the practice of chiropractic to ensure a standard of competent and ethical practice in all areas of the profession.”*

Record Retention in regards to the disciplinary/complaint records; the lapsed/deceased application records; and the minutes from past board meetings. *The following motions are a work-in-progress and have no set timeline for completion.*

A motion was made by Dr. Ficek, second by Dr. Froehling, to have the Executive Director research the cost and sizes of a fireproof safe in order to store the electronic records of the Board. Motion passed.

Past Formal Disciplinary Actions/Complaints Made Files: A motion was made by Dr. Pederson, second by Dr. Froehling, to begin the process of digitally scanning the complaint files that did not result in a formal disciplinary action to be saved electronically. Once the scan is complete, the paper file will be properly disposed by shredding. The files that resulted in a formal disciplinary action will be kept in their original paper format at this time. Motion passed.

Lapsed/Deceased Application Files: A motion was made by Dr. Pederson, second by Dr. Froehling, to begin the process of digitally scanning and saving any application file (deceased or lapsed) 10 years or older and properly disposing of the original file by shredding. Motion passed.

Minutes from Past Meetings: A motion was made by Dr. Ficek, second by Dr. Froehling, to digitally scan and save the past meeting minutes. Motion passed.

Current Applications Used: The Board reviewed the Application for Licensure, License Transfer Application, Application for License Renewal, Travel-to-Treat Application, T10/Preceptorship Application, and the Proctorship Application. There were no content changes to any of the applications used. A few typos were noted and language updates from chiropractic college to chiropractic college or universities were noted and will be corrected.

A motion was made by Dr. Froehling, second by Dr. Ficek, to update the questions on the bottom portion of the Application for License Renewal to change from “In the past year” to “In the past 3-years”. Motion passed. Additionally, the instructions for completion will reflect that all fields must be completed unless it is not applicable to the license holder.

Authorization to Grant Licensure Form: All Board members are satisfied with the current information and process – no changes made.

Inactive License Re-activation process: The Board reviewed the current laws and rules that discuss the Inactive status. Currently, there is no method for the Board to either review clinical competency or licensure status from other jurisdictions prior to re-activation. This topic will be added to the list of possible future rule changes. No action taken at this time.

Board Financials: The Board is satisfied with the current procedures and safeguards in place. The Executive Director updated the Board on the \$250,000.00 FDIC Insured limit/financial institution advice from the auditor. The Ex. Dir. will begin the process of researching other banks/credit unions for the best interest rates on savings accounts. No action taken.

Newsletters: The Board will continue to produce a newsletter at least once a year. We will send a postcard notifying the license holders that a new newsletter is available on the website instead of copying/sending newsletters to all. Hopefully, we will be able to move towards an email blast with this information in the future.

Membership Lists/Rosters: Currently the cost is \$100.00. The Executive Director has been instructed to research what other Boards charge for their lists for the April board meeting.

Continuing Education: The Executive Director shared the process taken from Minnesota in regards to their submission of annual CEU's (annually vs. random audit). No changes will be made as our current process is simple.

New Doctor Seminar Ideas: The Executive Director shared Minnesota's approach to their New Doctor Seminar. The Ex. Dir. will contact Dr. Spicer in MN and ask him if he will provide a sample of their "cases" used for their seminar and how it is broken down and added to.

Clinic Registrations: moved to later in the regular agenda in order to discuss with Mr. Erickson.

Video Conferencing vs. Conference Calls: All members liked the current conference calls meeting set-up and do not wish to switch to video conferencing at this time.

Website/Database/Email/Computers/Etc.: The main reason for the Ex. Director's visit to the MN Board office was to research their office systems. Currently, the Ex. Director is working with the ND State IT Department on an estimate that will include a website and database upgrade. The estimate will be given in sections. This upgrade will move the Board in to a more digital era all around. We will wait on a technology purchase for the Board members as the IT department will guide us and do set-up and coordinate with the new system if we choose to go that route. The Executive Director would like these changes made prior to the Chiropractic Assistant certification start so that may be done 100% electronically. No actions taken at this time until the estimates are completed.

***The Board took a recess for lunch. It began at 12:30 PM.***

***Re-adjourned at 1:30 PM. A motion was made by Dr. Froehling, second by Dr. Ficek to re-adjourn the meeting. Mr. Edward Erickson and Mr. Neil Roesler joined the meeting in person. Mr. David Cygan***

*joined the meeting via conference call. Dr. Jerry Blanchard, volunteer assistant to the Executive Director, was also present.*

**Old Business:** To accommodate all interested parties, the Board altered the order of agenda.

Integrity Management/Public Appearance policy.

- The Executive Director read the section of the minutes from the September 18, 2015 Board Meeting where this topic was tabled.
- A motion was made by Dr. Ficek, second by Dr. Pederson, to take the topic from the table. Motion passed.
- Dr. Remmick asked Mr. Erickson about the sub-committee's question regarding the current delegation of authority rule.
- Dr. Ficek reported on the topic from the FCLB district meeting.
- Dr. Remmick asked Mr. Erickson and Mr. Roesler regarding their conversation that occurred out of the meeting room after the topic concluded at the September 18, 2015 board meeting.
- A motion was made by Dr. Remmick, second by Dr. Froehling, to rescind the September 2014 policy statement regarding public appearances by unlicensed staff. Motion passed 4-1 with Dr. Remmick voting no.

*Mr. Cygan disconnected from the conference call at 1:42 PM.*

*Mr. Roesler exited the meeting at 1:43 PM.*

**Cases:** The Board returned to the original order of the agenda.

Dr. Nathan Weiss. Nothing new to report regarding this case. Dr. N. Weiss is aware that he must keep the board notified of his place of practice. No action taken at this time.

Dr. Stuart Lamp/Carson. The records were received from Dr. Lamp and handed out to the Board members at the start of the meeting. The Board is currently waiting for the other parties in the case to respond to Mr. Erickson. No action until more information is received.

Dr. Lamp/Probation. The response was received from Dr. Lamp in response to Mr. Erickson's letter. A motion was made by Dr. Remmick, second by Dr. Pederson, to have Mr. Erickson draft a letter (board approved) to Dr. Lamp inviting him to share more information about his practice and his future practice intentions. Motion passed.

Dr. Steven Nagel. A motion was made by Dr. Froehling, second by Dr. Remmick, to have the Executive Director close the case if Dr. Nagel fulfills the requirements and attends the New Doctor Seminar that evening. Motion passed.

Dr. Marc Vein. A motion was made by Dr. Pederson, second by Dr. Ficek, to close the case. Motion passed.

Dr. Roers/Summit Chiropractic. The response from Dr. Roers was received. A motion was made by Dr. Remmick, second by Dr. Pederson, to draft a conditional dismissal to Dr. Roers to include a \$500.00/1<sup>st</sup> offense fine and required attendance of the September 2016 New Dr. Seminar for advertising free services. Motion passed.

Dr. Opp/Inline Chiropractic. The response from Dr. Opp was received. A motion was made by Dr. Pederson, second by Dr. Froehling, to draft a conditional dismissal to Dr. Roers to include a \$500.00/1<sup>st</sup> offense fine and required attendance of the September 2016 New Dr. Seminar for advertising free services. Motion passed.

**Old Business:**

High School Physicals. The Board discussed with Mr. Erickson regarding this topic. Mr. Erickson stated that in his opinion, in order to have a change of opinion from the Attorney General's office, a law change will be necessary. The Board will share this with the NDCA and see if this is something that they would like the Board to pursue. If going forward, Mr. Erickson feels this should be a NDCA led bill instead of a Board of Examiners led bill. No action taken at this time.

Certified Chiropractic Clinical Assistants. Mr. Erickson shared the bill draft of the proposed language with the Board. We went through the places that he made additions or changes to the wording. He will make the minor corrections and provide the Board with an updated draft. After that is received, the draft should go back to the sub-committee for their review and response. If no changes are proposed, the draft will go to the NDCA board for their review and recommendations. At some point, the draft will be mailed to all license holders for their comments and questions. No action taken at this time.

Dry Needling. Mr. Erickson stated that he feels that we should be able to include regulation in the form of a rule change. There are not many examples of language currently available. Dr. Remmick and Dr. Ficek will form a sub-committee to create proposed language as a possible rule addition. No action taken.

**New Business:**

Clinic Registrations. Mr. Erickson agreed that the current law 43-06-04.1(6)(d) would allow the Board to gather information regarding Clinic ownership on the annual license renewal application. No formal action taken at this time.

Boundary Issue Questions. Mr. Erickson confirmed that we do not have any language that states a definite length of time that the doctor/patient relationship must be terminated prior to starting a relationship. No action taken.

Records Request from Mr. Nilson. Mr. Erickson is aware of the request and will assist the Executive Director with what she will copy and send. No action taken.

*Mr. Erickson exits the meeting at 4:30 PM.*

**Old Business:**

Jurisprudence Online Examination. The Executive Director updated the Board on the status. She will let the Board know as soon as it is completed. Mycourse has changed their formats and there have been difficulties deleting the previous versions. No action taken.

## **New Business:**

### **Election of Officers.**

- A motion was made by Dr. Ficek, second by Dr. Pederson, to nominate Dr. Remmick as President.
- A motion was made by Dr. Pederson, second by Dr. Froehling, to nominate Dr. Ficek as Vice President.
- A motion was made by Dr. Pederson, second by Dr. Ficek, to nominate Dr. Froehling as Secretary/Treasurer.

A motion was made by Dr. Pederson, second by Dr. Froehling, to cast a unanimous ballot as listed above. Motion passed.

FCLB Dues. A motion was made by Dr. Pederson, second by Dr. Froehling, to pay the 2016 FCLB dues of \$1,020.00. Motion passed.

FCLB/NBCE Voting and Alternate Delegates. A motion was made by Dr. Pederson, second by Dr. Froehling to approve the following for voting and alternate delegates to the FCLB/NBCE. Motion passed.

- FCLB:
  - Voting: Dr. Remmick
  - Alternate: Dr. Ficek
- NBCE:
  - Voting: Dr. Ficek
  - Alternate: Dr. Remmick

Executive Director Contract & Review. The Executive Director was asked to leave the room so the Board could discuss the contract. A motion was made by Dr. Remmick, second by Dr. Pederson to increase the Executive Director's annual salary by 5% from \$30,429 to \$31,950.45. Motion passed. The Executive Director returned after the motion was completed.

## **2016 Calendar**

A motion was made by Dr. Remmick, second by Dr. Ficek, to approve the following calendar updates and assignments. Motion passed.

- April 22, 2016 – Spring Board Meeting (Minot)
- April 27-May 1, 2016 – FCLB Annual Meeting (Phoenix) – Remmick, Ficek, Blanchard
- May 13-15, 2016 – NBCE Part IV Testing – Remmick & Pederson
- June 9-12, 2016 – NBCE Part IV Test Writing (Greeley) – Weiss
- September 23, 2016 – Fall Board Meeting (Bismarck)
- October 13-16, 2016 – FCLB District Meeting (Colorado Springs) – Froehling & Pederson
- November 11-13, 2016 – NBCE Part IV Testing – Ficek & Froehling

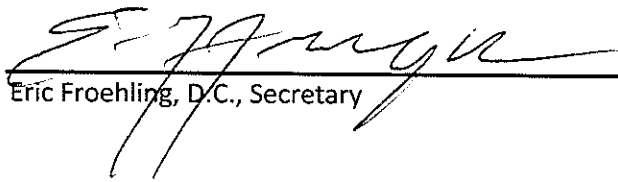
**Per Diem.** A motion was made by Dr. Pederson, second by Dr. Ficek, to approve per diem for this meeting. Motion passed.

The Board went to the meeting room next door to briefly update the Executive Board of the NDCA on the upcoming topics including chiropractic assistants, dry needling, high school physicals, and the rescinding of the public appearance policy statement.

**A motion was made by Dr. Froehling, second by Dr. Pederson to recess for the New Doctor Seminar. Motion passed. Recess began at 5:10 PM. The New Doctor Seminar began at 7:00 PM. There were 8 doctors in attendance including Dr. S. Nagel as required.**

**Adjourn.** A motion was made by Dr. Pederson, second by Dr. Ficek, to adjourn the meeting. Motion passed. The meeting ended at 9:00 PM.

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



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Eric Froehling, D.C., Secretary

05/05/16

Date