



**NORTH DAKOTA  
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the April 13, 2016 Conference Call & April 22, 2016 Board Meeting in Minot, ND**

A special meeting of the State Board of Chiropractic Examiners was held via conference call on April 13, 2016. This conference call was scheduled for time purposes to coincide with the April 22, 2016 spring board meeting.

The meeting was called to order by President, Dr. Michael Remmick, at 12:30 pm CST.

**Roll call:** Present –Dr. Remmick, Dr. Froehling, Dr. Ficek, Dr. Pederson, Dr. Weiss, and Executive Director Lisa Blanchard. No other public was present on the call.

**Agenda:** Two items were added to the proposed agenda: Immunization question by Dr. Lundby and Advertising/Marketing questions by Dr. Kleinfeld. A motion was made by Dr. Ficek, second by Dr. Pederson, to approved additions and the agenda. Motion passed.

**Approvals:**

A motion was made by Dr. Weiss, second by Dr. Froehling, to approved the minutes of the January 22, 2016 board meeting and the minutes of the February 24, 2016 conference call. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Ficek, to approved the Executive Director's 2016 1<sup>st</sup> quarter report and the 2016 1<sup>st</sup> quarter financial reports. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the 2016 1<sup>st</sup> quarter treasurer approved checks over \$500.00. Motion passed.

**Cases:**

Dr. Lundby/Immunization question: A motion was made by Dr. Pederson, second by Dr. Ficek, to have the Executive Director draft a response for approval stating that in ND it is a personal right regarding whether or not they choose to have vaccinations/immunizations – the patient has their own right to decide. Motion passed.

Dr. Kleinfeld advertising/marketing question. The Executive Director responded to the email sharing the Unprofessional Conduct and Marketing sections of the Rules. No further responses have been received.

Dr. Nathan Weiss. The open records request has been completed. Dr. N. Weiss has not notified the Board of a practice location. No action at this time.

Dr. Stuart Lamp/Probation. The Board is in receipt of an email from Affiliated Monitors regarding lack of communication with Dr. Lamp. A motion was made by Dr. Ficek, second by Dr. Pederson, to have Mr. Erickson send a courtesy letter to Dr. Lamp reminding him of his responsibilities and the consequences that may occur if he should not fulfill the terms of the original settlement agreement. Motion passed.

Dr. Roers/Advertising. No action taken at this time. Conditional Dismissal will be fulfilled with the attendance at the September New Dr. Seminar.

Dr. Opp/Advertising. No action taken at this time. Conditional Dismissal will be fulfilled with the attendance at the September New Dr. Seminar.

Dr. Dennis Jorde. The response was received. A motion was made by Dr. Weiss, second by Dr. Ficek, to have the Executive Director draft a letter for approval stating the Board's appreciation for the response as it is the board's responsibility to protect the public. Additionally, we are satisfied with all that he is currently doing to reduce any risk for his patients and that he should continue to do so. Motion passed.

Dr. Bill Nelson/Advertising. The Board reviewed the complaint and response from Dr. Nelson. A motion was made by Dr. Ficek, second by Dr. Weiss, to offer Dr. Nelson a conditional dismissal for the inducement, advertising free services, and failure to comply with federal regulations. The conditional dismissal will include a \$500.00 fine and the attendance at the next New Dr. Seminar. The Executive Director will draft the letter for approval. Motion passed.

Dr. Matthew Franck/Advertising. The Board reviewed the complaint and response from Dr. Franck. A motion was made by Dr. Ficek, second by Dr. Froehling, to offer Dr. Franck a conditional dismissal for the free advertising issues. The conditional dismissal will include a \$500.00 fine and the attendance at the next New Dr. Seminar. The Executive Director will draft the letter for approval. Motion passed.

Dr. Kylie Simnioniw/Advertising. The Board reviewed the complaint and response from Dr. Simnioniw. A motion was made by Dr. Weiss, second by Dr. Ficek, to offer Dr. Simnioniw a conditional dismissal for the advertising issues, including unsubstantiated claims regarding leading pediatric chiropractor, free advertising issues, and inducement. The conditional dismissal will include a \$1,000.00 fine and the attendance at the next New Dr. Seminar. The Executive Director will draft the letter for approval. Motion passed.

**Calendar Review:** The Board received the 2017 schedule of the NDCA. We will hold our January meeting on January 19<sup>th</sup> and the New Doctor Seminar on the evening of the 20<sup>th</sup>. Other upcoming events were reviewed.

#### **Old Business:**

Membership Lists. The Executive Director reported regarding SD and MN. As we are at the same rate as both of those, no changes will be made to our current procedure.

HS Physicals. A phone call will be made to the President of the NDCA to inquire whether or not they want to pursue this for this legislative session or wait.

**Per Diem:** A motion was made by Dr. Ficek, second by Dr. Froehling, to pay per diem as this is the 4<sup>th</sup> conference call. Motion passed.

**Recess:** A motion was made by Dr. Ficek, second by Dr. Pederson, to recess until Friday, April 22, 2016 in Minot, ND. We will recess at 7:30 AM. Motion passed.

**April 22, 2016 – Sleep Inn & Suites, Minot, ND – Spring Board Meeting**

The meeting was called to order by President, Dr. Michael Remmick, at 7:30 am CST.

A motion was made by Dr. Ficek, second by Dr. Froehling, to re-adjourn the meeting. Motion passed.

**Roll call:** Present –Dr. Remmick, Dr. Froehling, Dr. Ficek, Dr. Pederson, Dr. Weiss, and Executive Director, Lisa Blanchard. No other public was present at the meeting.

**Additions to the Agenda:** A motion was made by Dr. Ficek, second by Dr. Weiss, to re-open the Immunization question from the April 13<sup>th</sup> agenda. No other changes were made to the original agenda. Motion passed.

**Cases:**

**Dr. Lundby/Immunization Question.** The Board reviewed the information provided by Mr. Erickson. A motion was made by Dr. Weiss, second by Dr. Ficek, to have the Executive Director draft the response to include Mr. Erickson's email, the sections of the Century Code and Administrative Rules regarding immunization exemptions and to reinforce the criteria for a medical exemption. Motion passed.

**Dr. Lamp/Carlson.** The Board received the files that were sent to Mr. Erickson. A motion was made by Dr. Froehling, second by Dr. Pederson, to have Mr. Erickson draft a letter of reprimand to Dr. Lamp for failure to provide requested records in a timely manner. A roll call vote was taken with all members voting affirmative. Motion passed. After Mr. Erickson has completed the letter of reprimand, the Board will notify Mr. Carlson regarding the decision.

**Dr. Masud/BCBS.** The Board reviewed the complaint and the response provided by Dr. Masud. In his response, Dr. Masud admits to wrong-doing, failure to maintain accurate records, improper billing/using the wrong codes, and coding errors and omissions. A motion was made by Dr. Froehling, second by Dr. Pederson, to have Mr. Erickson draft a Settlement Agreement for Dr. Masud which will include a \$4,000.00 fine (\$1,000.00/offense) and he must successfully complete the EBAS exam prior to any re-licensure in North Dakota. A roll call vote was taken with all members voting affirmative. Motion passed.

**Old Business:**

**Inactive Reactivation Rules.** The Board has reviewed the latest draft completed by Dr. Weiss. A motion was made by Dr. Ficek, second by Dr. Pederson, to approve the draft as written and to submit it to Mr. Erickson along with the other proposed rule changes. Motion passed.

**Website.** The ND IT Department has had conversations with the Executive Director but no estimate or proposals have been received. Communications from a Minot-based company that designed the ND Medical, Dental, and Nursing websites have been in contact and the Executive Director will begin conversations with them while waiting for the ND ITD. No action taken.

Jurisprudence Exam. The Executive Director reported the difficulties she is having with the Mylcourse platform. Online Jurisprudence exams is on the agenda of the FCLB Executive Directors committee meeting in Phoenix so we hope to gather new and useful information. No action taken.

Application for License Renewal/Clinic Ownership (Registration). A motion was made by Dr. Ficek, second by Dr. Weiss, to include the following questions: Do you own 51% or more of your clinic? Yes/No; If No, who is the owner? Additionally, the Board will require a valid email address to be provided. Motion passed. The Executive Director will update the form.

Certified Chiropractic Clinical Assistants (CCCA) Bill. The Board discussed the bill as drafted. The Board discussed the areas of the bill that will likely have challenges or questions. A motion was made by Dr. Weiss, second by Dr. Ficek, to approve the draft as written. The Board will forward a copy to the NDCA board for their review and comments asking them to respond by June 1, 2016. After the Board reviews their comments, it will then be forwarded onto all license holders for review and timeframe for written comments. A roll call vote was taken with all members voting affirmative. Motion passed.

Administrative Rule Review/Changes/Updates. The Board reviewed the current Administrative Rules for any additional changes. A motion was made by Dr. Ficek, second by Dr. Weiss, to approved the following proposed changes. Motion passed.

17-01-01-01(5). **Executive director.** The board may hire an executive director to oversee the clerical needs administrative duties of the board, and who will answer to the board president.

17-01-02-03. **Board expenses.** Each member of the board of chiropractic examiners shall be reimbursed for the member's expenses for each day the member is actually engaged in performing the duties of the member's office as provided for in North Dakota Century Code section 44-08-04, and such mileage and travel expenses as are provided for in North Dakota Century Code section 54-06-09 and additional allowance for other necessary expenses incurred. Each member of the board shall receive compensation in the amount of two hundred and fifty dollars for each day or portion thereof spent in the discharge of the member's duties.

17-02-01-01.2(3)(a). "National board means the national board of chiropractic examiners or its successor or equivalent."

17-02-01-02. **Application for licensure.** Application shall be made on the official form issued by the board. The forms may be secured upon application to the executive director. Additionally, the applicant must complete the jurisprudence requirement under subsection 5 of section 17-02-01-02.1.

17-02-01-08(1). The applicant must hold a diploma from a chiropractic college fully accredited by the council on chiropractic education or its successor or equivalent.

17-02-03-01. **Filing addresses.** Every chiropractor shall file with the executive director of the board of examiners a valid email address and the chiropractor's mailing address in the city and location of the place where the chiropractor conducts practice and shall report the name of any other city and place wherein the chiropractor maintains a branch office for the purpose of practice.

New Doctor Seminar Updates. The Board reviewed the samples provided by the Minnesota Board. At this point each person is going to attempt to make their presentations less lecture and more interactive. There were no changes in topic and the new board appointee will take over Dr. Weiss's presentation.

**New Business:**


Executive Director Vacation/Job Description Review. The Executive Director was asked to leave the room. The Board held a discussion of the job description and benefits or possible changes as well. A motion was made by Dr. Ficek, second by Dr. Weiss, to add 5 personal days per year to the job description. The Executive Director will let the Board know in advance when they will be used. Motion passed. Additionally, during these vacation days, the Executive Director will change the voicemail message on the phone and the President as the emergency contact.

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

**Recess for the NDCA Lunch-and-Learn and Annual Business Meeting:** A motion was made by Dr. Pederson, second by Dr. Froehling, to recess until after the NDCA Annual Business Meeting. Motion passed.

**Adjourn:** At the conclusion of the NDCA Annual Business Meeting a motion was made by Dr. Weiss, second by Dr. Froehling, to adjourn the meeting. Motion passed.

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



---

Eric Froehling, D.C., Secretary

10/10/16  
Date