



**NORTH DAKOTA  
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Board Meeting of the North Dakota State Board of Chiropractic  
Examiners held September 23, 2016 at the Radisson Hotel, Bismarck, ND**

**Call to Order:** Dr. Michael Remmick called the meeting to order at 8:30 AM.

**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. No other public was present at the start of the meeting. Other persons entered and exited the meeting and will be noted (in italics) in the minutes below.

**Additions to the Agenda:**

Strive Chiropractic/Dr. Grinaker

A motion was made by Dr. Ficek, second by Dr. Pederson, to approve the original and amended agenda. Motion passed.

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

**Board Orientation:** The Executive Director prepared a short orientation and presented it to the board as this was Dr. Yohe's first official meeting. No action taken.

**Approvals:**

A motion was made by Dr. Ficek, second by Dr. Froehling, to approve the minutes, as corrected, for the April 22, 2016 Board Meeting and the May 11<sup>th</sup>, June 8<sup>th</sup>, July 6<sup>th</sup>, July 27<sup>th</sup>, August 17<sup>th</sup>, and August 31<sup>st</sup>, 2016 Conference Calls. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the 2016 2<sup>nd</sup> Quarter Executive Director and 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 2<sup>nd</sup> Quarter of 2016. Motion passed.

*Dr. Rob Hasse entered the meeting room at 9:40 am.*

**Reports:**

The Board members reviewed the FCLB Annual Meeting reports from Dr. Remmick, Dr. Ficek, and Lisa Blanchard. Also reviewed were the NBCE Part IV Testing reports from Dr. Remmick and Dr. Ficek. Lastly, they reviewed the NBCE Part IV test writing report from Dr. Weiss. A motion was made by Dr. Yohe, second by Dr. Froehling, to accept the written reports listed above. Motion passed.

## **Cases:**

Dr. Roers; Dr. Opp; Dr. Franck; Dr. Simnioniw:

The terms of the conditional dismissals will be met by each of their attendance at the New Dr. Seminar being held later this evening. All doctors have indicated to the Board that they will be attending. A motion was made by Dr. Pederson, second by Dr. Yohe, to close the cases as long as they are in attendance at the seminar. Motion passed. *Post meeting note – all of the doctors attended the New Dr. Seminar.*

Dr. Masud. The terms of the Settlement agreement were completed. Letters to ND BCBS and the Illinois Board of Chiropractic Examiners have been sent. The disciplinary action has been reported to CIN-BAD. A motion was made by Dr. Froehling, second by Dr. Ficek, to close the case. Motion passed.

Dr. N. Weiss. Dr. Weiss reported his practice information and start date. He has contracted with Affiliated Monitors. No reports have been received at this time. Information only.

Dr. Haroldson. A follow-up email was sent to the patient. Nothing further received. Information only as it was not a formal complaint.

## **New Business:**

FARB Membership. A motion was made by Dr. Ficek, second by Dr. Pederson, to purchase a Regulatory Board Membership to FARB. The cost is \$150.00 and it will cover all board members, staff, and representative board attorney(s). Motion passed.

Clinic Ownership question results. The Executive Director compiled the data from the 2016 Applications for License Renewal. The Board was impressed by the cooperation to respond by the license holders. Information only. No action taken.

Credit Card (Merchant Account)/PayPal Fees. Due to the upgrade of the website and the ND Procurement laws, changes must be made to the current credit card processing. The Executive Director shared the setup and annual costs associated with the proposed plan. A motion was made by Dr. Froehling, second by Dr. Yohe, to utilize the Bank of North Dakota for the Merchant account and to utilize PayFlow Pro (PayPal) for the Third Party Vendor as proposed by the Executive Director. Motion passed.

Postal Meter Machine. The Executive Director had received a coupon for a postal meter machine prior to the procurement training. Due to the procurement laws, this is a mandatory contract. The Executive Director will gather additional information, costs and propose to the board at a later meeting. No action taken.

Board Account transfers. The Executive Director reported that the reoccurring monthly accounts of the board are in compliance with the procurement laws, except for our conference calling account. The ED will make contact with the vendor account managers to find out if the board would benefit from the discounts available. The ED proposed converting to GoTo Meetings for future conference call/video conferencing. No decisions made at this time, the Board will discuss again at the January board meeting. No actions taken – information only.

## **Old Business:**

Additional Bank Account. A motion was made by Dr. Pederson, second by Dr. Yohe, to open a savings account with the Bank of North Dakota transferring \$75,000.00 from the current Wells Fargo checking account. The Executive Director, Lisa Blanchard, will have the authority to open the account and to have signing/transaction authority for the account. Board members, Dr. Eric Froehling, Dr. Steven Pederson, and Dr. Dion Ficek, will have signing/transaction authority on the account. Motion passed.

Wells Fargo Accounts. We need to update the board member signer on the current Wells Fargo checking and savings accounts. A motion was made by Dr. Ficek, second by Dr. Froehling, to authorize Dr. Steven Pederson as the board member with the signing authority. Motion passed. The Executive Director will arrange the steps to complete this.

*Dr. Hasse exited the meeting at 10:40 am.*

*Mr. Edward Erickson, the Board's attorney, joined the meeting at 10:45 am.*

## **Cases:**

Dr. Lamp. The Board discussed with Mr. Erickson what the proper procedure will be when Dr. Lamp arrives at the meeting. They discussed the questions they wanted to ask Dr. Lamp and determined that the President will ask all questions.

*Dr. Lamp joined the meeting at 11:10 am.*

Mr. Erickson informed the Board and Dr. Lamp that this was a settlement conference and that Rule 408 applies to all items discussed. All parties indicated they understood.

Dr. Remmick shared a history or timeline of the case and asked Dr. Lamp a variety of questions in which he responded to. The conversation lasted approximately 1-hour.

*Dr. Lamp exited the meeting at 12:15 pm.*

*The Board recessed from 12:15 – 12:55 pm for lunch.*

*Dr. Shelley Lenz, DVM, joined the meeting at 12:55 pm.*

A motion was made by Dr. Yohe, second by Dr. Froehling, to re-adjourn the meeting at 12:55 pm. Motion passed.

Dr. Lamp (continued). The board discussed alternative options for the completion of Dr. Lamp's unfinished probation as the arrangement with Affiliated Monitors does not appear to be a positive experience for Dr. Lamp. A motion was made by Dr. Ficek, second by Dr. Froehling, to require Dr. Lamp to take the Ethics & Boundaries examination by EBAS, at his expense. He must successfully pass all 5 parts of the exam by March 15, 2017. If he does not successfully pass all 5 parts by that date, his license will be revoked until he is able to successfully pass all 5 parts of the exam. One year after the successful completion date of the EBAS exam, the board will conduct a peer review, at Dr. Lamp's expense, of 25 patient files. The peer review committee members will be chosen by the board. Dr. Lamp will be granted a discipline release upon a positive review of the peer review committee. A roll call vote was taken with all 5 board members voting affirmative. Motion passed.

Dr. Peters. The Board has received and reviewed all of the requested information gathered for the investigation. Mr. Erickson shared that neither Veterinarian Law nor the Chiropractic Law have specific regulations regarding the practice of animal chiropractic. From the information provided to the Board in responses, Dr. Peters satisfactorily addressed each of the violations listed in the complaint. A motion was made by Dr. Pederson, second by Dr. Froehling, to dismiss the complaint for lack of clear violation of the law and move to work with the Board of Veterinary Medicine on a clearer definition of either the laws or rules on this topic. A roll call vote was taken with all 5 board members voting affirmative. Motion passed.

**Old Business:**

Animal Chiropractic. The Board is scheduled to meet with the Board of Veterinary Medicine at their December 6, 2016 board meeting. A discussion was held on how this Board should or would like to proceed going into that meeting. A motion was made by Dr. Ficek, second by Dr. Pederson, for each Board member to put down their ideas/comments/thoughts and to provide them to the Executive Director by October 10<sup>th</sup>. The ED will compile the information and provide a draft to the Board to discuss at a future conference call. Motion passed.

*Dr. Lenz exited the meeting at 2:10 pm.*

**Cases:**

Dr. W. Nelson. The fine has not been received. The Board instructed Mr. Erickson to send a letter to Dr. Nelson. No action taken.

Strive Chiropractic/Dr. Grinaker. The Board was copied on a letter sent to Dr. Grinaker. An email was received during the meeting from Dr. Grinaker and read to the Board members. No action taken at this time as it was not a formal complaint.

**New Business:**

PLLC/LLC Requirements (NDCC 10-31-13). Mr. Erickson reviewed and addressed that yes, all license holders with professional corporations via the ND Secretary of State's office are required to file a copy of their annual reports to the Board. The Board should be able to receive a list from the Secretary of State's office to verify compliance. Notifying the license holders that this is a requirement is recommended. Mr. Erickson will make an inquiry with the Secretary of State's office as he feels many of the regulatory boards do not use this information and it may be something to eliminate from the century code. No action taken at this time.

**Old Business:**

CCCA Bill. A motion was made by Dr. Pederson, second by Dr. Yohe, to instruct Mr. Erickson to prepare and submit the bill as drafted. Motion passed. Dr. Froehling, along with Dr. Pederson and Lisa Blanchard if needed, will testify during the House and Senate committee hearings.

Proposed Administrative Rules. Mr. Erickson received no verbal or written comments. The Executive Director shared the comments she received. Mr. Erickson will prepare the written response to the comments. No further action needed. Dr. Remmick will testify during the committee meeting. The

tentative dates of this meeting should correspond with the existing meeting with the Board of Veterinary Medicine.

#### **Cases:**

Freedom Chiropractic. The Board has received and reviewed all responses provided by the clinic, the treating chiropractors, and the patient. A motion was made by Dr. Pederson, second by Dr. Yohe, to appoint a Peer Review committee to investigate the complaint. If concerns are found, the committee may expand their investigation. A roll call vote was taken with all 5 board members voting affirmative. Motion passed. A motion was made by Dr. Ficek, second by Dr. Froehling, to offer the peer review committee members \$1,500.00 each to cover the per diem and expenses. As they proceed, if they will exceed this amount, they need to contact the Board for pre-approval. The peer review committee should investigate the specific complaint and such other patient files as necessary to fully illuminate the business and professional practices of this clinic. A roll call vote was taken with all 5 board members voting affirmative. Motion passed.

*Mr. Erickson exited the meeting at 4:20 pm.*

#### **Old Business:**

Website – Professional Licensing Management System. Updates and Information Only.

- The Executive Director showed the Board members the development site database.
- The Board reviewed the proposed questions and edits for the: CCCA application, Reactivation of an Inactive License application, T10/Preceptor application, Proctor application, and Travel-to-Treat application.
- The ACA Documentation Webinar will not be required when the license applications go online.
- Jurisprudence Examination. The Executive Director is to get additional information on the estimate and share with the Board. The Board would like this to be a part of the website, not on an alternate site.
- Continuing Education tab – if it is not included in the current contract, it will be something to explore later on, but not at this time.
- The Board reviewed a sample of a Standard License Verification form vs. a letter. The Board liked this and instructed the Executive Director to create one for future use.
- The Board reviewed the Certification Statement for the License Application.
- The Executive Director shared the resolutions for not having a notarized application – the criminal history background check and the Jurisprudence Affidavit should be sufficient.
- Continue with the Clinic Ownership questions on the License Renewal, but change the percentage to 50%.
- The Executive Director showed the License Renewal Certificate options.
- The Board reviewed the License Verification Disclaimers.

Device Purchase. A motion was made by Dr. Yohe, second by Dr. Pederson, to authorize the Executive Director to purchase 6 Microsoft Surface Tablets and required accessories via the mandatory ND Procurement Contract. The existing budget is \$7,500.00. The Treasurer is authorized to approve the purchase amount up to \$10,000.00 without full board approval. If the purchase amount will exceed \$10,000.00, then full board approval is required. Motion passed.

**Board Calendar.** The Executive Director provided an updated calendar that includes the NDCA 2017 & 2018 dates. Dr. Yohe will be replacing Dr. Froehling for the NBCE Part IV testing in November. The Board discussed future meeting options. For 2017, the Board will meet via conference call on the 3<sup>rd</sup> Wednesday of every month, excluding January, April, and September. We will finish out 2016 with conference calls as needed. Information only.

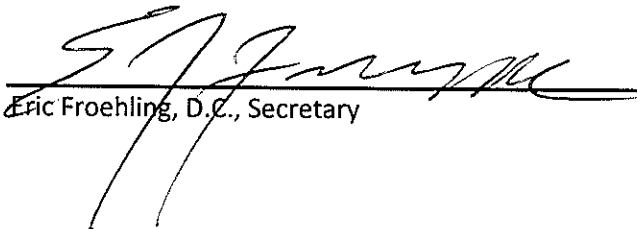
**Per Diem.** A motion was made by Dr. Ficek, second by Dr. Froehling, to pay per diem for this meeting. Motion passed.

**Executive Director Review:** The Executive Director was asked to leave the room. A motion was made by Dr. Ficek, second by Dr. Yohe, to pay Ms. Blanchard a \$2,500.00 bonus for excellent work and extra work on board activities. Motion passed.

**Recess for the New Doctor Seminar.** The Board recessed at 5:45 PM until 6:30 PM for the seminar. There were 14 doctors in attendance.

**Adjourn.** A motion was made by Dr. Ficek, second by Dr. Yohe, 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

01/19/2017  
Date