



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the April 21, 2017 Board Meeting held at the Hilton
Garden Inn Grand Forks – UND in Grand Forks, ND**

The meeting was called to order by President, Dr. Michael Remmick, at 7:00 AM CST.

Roll call: Present –Dr. Remmick, Dr. Froehling, Dr. Ficek, Dr. Pederson, Dr. Yohe, Mr. Edward Erickson and Executive Director Lisa Blanchard. Public: Dr. Jake Schmitz

Due to scheduled topics, the meeting did not follow the order of the proposed agenda. These minutes reflect the order the items were discussed during the meeting.

Agenda: Two items were added to the proposed agenda: HealthSource of Minot Advertisement and CCCA Questions. 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. Pederson, second by Dr. Yohe, to approved the minutes of the January 19, 2017 board meeting, the February 15, 2017 conference call, and the March 15, 2017 conference call. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Ficek, to approved the Executive Director's 2017 1st quarter report and the 2017 1st quarter financial reports. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the 2017 1st quarter treasurer approved checks over \$500.00. Motion passed.

Old Business:

Peer Review Committee Final Reimbursement. A motion was made by Dr. Pederson, second by Dr. Yohe, to pay current the Peer Review Committee members for a total of \$3,749.30. Motion passed.

New Complaints & Business:

HealthSource of Minot Ad. The Board members have received and reviewed a copy of the advertisement. Instructed the Executive Director to send the initial letter to respond to the complaint. Instruction only.

Health & Wellness Chiropractic Center Ad. The Board members have received and reviewed a copy of the advertisement. Instructed the Executive Director to send the initial letter to respond to the complaint. Instruction only.

Optimal Chiropractic Ad. The Board members have received and reviewed a copy of the advertisement. Instructed the Executive Director to send the initial letter to respond to the complaint. Instruction only.

Dr. Gunderson/Healing Arts Chiropractic. The Board received and reviewed a copy of the complaint. A motion was made by Dr. Ficek, second by Dr. Yohe, to have the Executive Director draft the initial letter to respond to the complaint. Items to be included in the response: Payments/Billings; Financial – complimentary; Employee or Independent Contract; Office policy on cancellations; copy of the patient records. Motion passed. The Executive Director will share the draft with Mr. Erickson for review.

Old Business:

New. Dr. Seminar Non-Compliance. All 4 chiropractors have contacted the Board regarding their failure to attend the New Dr. Seminar. A motion was made by Dr. Yohe, second by Dr. Pederson, to accept the signed agreements of Dr. Pearson and Dr. Wright, to accept that Dr. Pampena is no longer practicing in ND and does not intend to renew his license, and to inform Dr. Bowser that his 1-year timeframe does not start until he is in actual practice. Motion passed.

Dr. Rebecca Perry-Domres joins the meeting at 7:35 AM.

Non-resident Application question. Mr. Erickson informed the Board that the non-resident may apply for licensure in ND as it may be needed for his residency applications. Mr. Erickson advised that it should be strongly noted that because he is licensed does not grant him permission to work in the United States and that he must first settle that with immigration. Information only.

Cases:

Strive Chiropractic. The response to the complaint from ND BCBS regarding statements made on the website was received. A motion was made by Dr. Yohe, second by Dr. Froehling, to have Mr. Erickson draft a letter of warning to the clinic regarding the advertising rules. Motion passed with a 4-1 vote (Remmick voting no).

Old Business:

Law/Rule Books. The Law/Rule books via Central Duplicating have been mailed. The bill has not been received at the time of the meeting. Information only.

Devices. At the time of the meeting, the tablets have not been received. The Invoice/Bill was received. A motion was made by Dr. Yohe, second by Dr. Froehling, to authorize the Executive Director to hand-deliver the devices to the Board members when received. Motion passed.

Cases:

Premier Chiropractic. Upon request from Dr. Perry-Domres and Dr. Mason, the Board invited them to the meeting for discussion. Dr. Mason cancelled his attendance a few days prior to the meeting. The

Board discussed the case with Dr. Perry-Domres and answered questions. The President asked the Board for changes to the original conditional dismissal agreement. No changes were made. The Executive Director will process/deposit the checks for the fees previously received and held until this meeting.

Dr. Perry-Domres exits the meeting at 8:35 AM.

New Business:

CCCA Questions (for clarification). The Executive Director was asked 2 questions regarding the CCCA certification. #1 – a clinic has 2 individuals that will be working after August 1st, but will be done with their employment by August 21st – do they have to be certified? Yes, after August 1st, if they are performing the duties of a CCCA, they must be certified. #2 – currently, the assistants of a clinic in a hospital setting are all CNA's – do CNA's require the CCCA certification or is the CNA training satisfactory? No, a CNA needs the CCCA training as well – they are not the same.

Cases:

Nathan Weiss. The 1st monitoring report has been received and reviewed. Dr. Weiss emailed the Executive Director a question regarding the requirement of Advanced Directives. A motion was made by Dr. Froehling, second by Dr. Ficek, to respond to Dr. Weiss (copy Affiliated Monitors) informing him that there are not specific rules and regulations regarding advanced directives and that the Board feels they are not a part of routine standard practice in chiropractic clinics. However, upon the practitioner's discretion, some patients may require the form for a specific reason. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Ms. Cassie Tostenson, legal representation for Dr. Schmitz, joins the meeting at 8:55 AM.

Freedom Chiropractic (Schmitz; Condon; Jaeger). Discussion regarding this complaint and the peer review reports was held. Dr. Schmitz and his legal representation were willing to answer some questions from the Board. Additionally, they will be providing the Board with a written response to the allegations made by Dr. Condon and any discussion held during the meeting. No date for response was set, but the Board informed them of the next meeting date (May 17th).

A motion was made by Dr. Froehling, second by Dr. Pederson, to move the meeting into Executive Session for attorney consultation. The legal authority for closing this portion of the meeting is ND Century Code section 44-04-19.1. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The meeting was closed at 9:52 AM with Dr. Schmitz and Ms. Tostenson exiting the room. The Board members, Mr. Erickson, and Ms. Blanchard remained. The Executive Session was recorded.

A motion was made by Dr. Yohe, second by Dr. Pederson, to exit the Executive Session and to return to the open meeting. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The meeting was reopened at 10:30 AM. Dr. Schmitz and Ms. Tostenson rejoined the meeting.

No action was taken to allow for a written response from Dr. Schmitz.

Ms. Tostenson exits the meeting at 10:35 AM.

Blue Apple Chiropractic. The follow-up response was received. A motion was made by Dr. Yohe, second by Dr. Ficek, to dismiss the complaint made regarding fee splitting. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. Mr. Erickson will write the letter notifying Blue Apple of the Board's decision and copying the complainant as well.

Dr. Lamp. The signed settlement agreement has been received. No further action taken.

Old Business:

Dr. Vein's questions regarding Dual-Fee Schedules. Mr. Erickson did further research and determined that the participation in these membership groups would not be considered dual fees. Mr. Erickson will draft a written statement regarding this for the Board.

New Business:

N.D.C.C. 43-06-04. Due to the NC Dental Board case, there may be concerns regarding the nomination process to the Board. No action taken, but included as a future consideration.

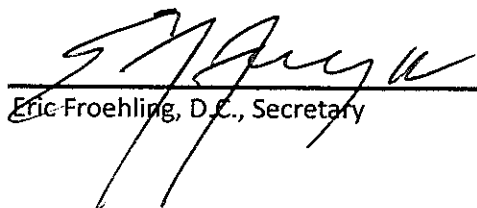
Old Business:

Website. Update only. The Executive Director is compiling questions that the Board will need to consider. Progress on the site is going well and expected to be completed on time for renewal. No action taken.

Per Diem: A motion was made by Dr. Froehling, second by Dr. Pederson, to pay per diem, breakfast, mileage, and 1-night of hotel for each member. Motion passed.

Adjourn: A motion was made by Dr. Ficek, second by Dr. Yohe, to adjourn the meeting. Motion passed. The meeting concluded at 11:13 AM.

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


Eric Froehling, D.C., Secretary

9/22/17
Date