



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Conference Call Board Meeting of the North Dakota State Board
of Chiropractic Examiners held October 18, 2017.**

Call to Order: Dr. Dion Ficek called the meeting to order at 12:30 PM CST.

Roll Call: Those present included Dr. Dion Ficek, Dr. Michael Remmick, Dr. Eric Froehling, Dr. Steven Pederson, Dr. Kent Yohe, Assistant Attorney General Mr. Edward Erickson, and Executive Director Lisa Blanchard. **Public:** Dr. Amanda Zakeri

Reading of the Mission Statement: Dr. Ficek read the Mission Statement of the Board of Examiners to open the meeting.

Agenda: A motion was made by Dr. Pederson, second by Dr. Froehling, to add Per Diem (4 total conference calls) to the agenda and to approve the agenda as amended. Motion passed.

Cases:

Dr. Lamp. The Executive Director reported the 2 communications she has had with Dr. Lamp. This case will be revisited at the April 2018 board meeting. No action.

Freedom Chiropractic (Dr. Schmitz). No information at this time/pending. Mr. Erickson expects information for the November meeting.

Dr. Wiseth. A motion was made by Dr. Froehling, second by Dr. Pederson, to rescind Dr. Froehling's motion made at the September 22, 2017 Board meeting. A roll call vote was taken, and all members voted in the affirmative (5-0). Motion passed. After further consideration, Dr. Froehling did not feel the previous decision by the board was the correct action in this situation. A motion was made and by Dr. Froehling, second by Dr. Yohe, to have Mr. Erickson draft a settlement agreement requiring Dr. Wiseth successfully pass 3 parts of the EBAS examination (Unprofessional Conduct; Fraud; Professional Standards). A motion was made to amend the original motion by Dr. Froehling, second by Dr. Remmick, to add, if he has not successfully passed the exam by April 1, 2018, his license will be automatically suspended until he does successfully pass the examination. A roll call vote was taken for the amendment with all members voting in the affirmative (5-0). Motion passed. A roll call vote was taken for the amended motion and all members voted in the affirmative (5-0). Motion passed.

Dr. N. Weiss. The request to reconsider the terms of the Settlement Agreement from Dr. Weiss has been received. Additional communications with Dr. Weiss and Affiliated Monitors regarding the 2nd review report has been received. The Board has not received the 2nd report from Affiliated Monitors. The Board will consider Dr. Weiss's request after they have received and reviewed the 2nd report. No action. The Executive Director will notify Dr. Weiss (copying his attorney) with this information.

Dr. Syvrud. The Board has received Dr. Syvrud's response to the informal complaint regarding advertising. A motion was made by Dr. Froehling, second by Dr. Pederson, to notify Dr. Syvrud that the Board will not be taking action as this was not a formal complaint and that they were satisfied with his response and thank him for his future compliance with the ND Laws and Rules. Motion passed.

Due to a medical conflict, Dr. Yohe disconnected/exited the meeting at 1:07 PM.

Dr. Sauer. He communicated with the Executive Director on October 11, 2017 that he had not received the letter dated October 4th. The Executive Director resent the letter and changed the respond by date until November 1, 2017. No action.

Dr. Blackwood. Questions to ask Dr. Blackwood have been compiled and shared with Mr. Erickson. He will draft the letter for Dr. Blackwood. No action.

Dr. Yohe. The Board has received Dr. Yohe's response to the formal advertising complaint. There was much discussion on this situation as each board member had many questions and concerns regarding the situation and its appearance. Discussion was also held on possible actions that could be taken by the Board. A motion was made by Dr. Remmick, second by Dr. Froehling, to offer Dr. Yohe a Conditional Dismissal to include a \$500.00 fine, but no jurisprudence requirement. A roll call vote was taken. The results were 2 Yes (Remmick/Froehling) – 2 No (Pederson/Ficek). The motion failed for lack of a majority. A motion was made by Dr. Pederson, second by Dr. Remmick, to provide Dr. Yohe with a warning to discontinue as this was the board's protocol for this type of advertising violation in 2013. A roll call vote was taken. The results were 2 Yes (Pederson/Ficek) – 2 No (Remmick/Froehling). The motion failed for a lack of a majority. Further discussion was held. A motion was made by Dr. Remmick, second by Dr. Froehling, to offer Dr. Yohe a Conditional Dismissal to include a \$500.00 fine, but no jurisprudence requirement. A roll call vote was taken. The results were 3 Yes (Remmick/Froehling/Pederson) – 1 No (Ficek). Motion passed.

Per Diem: A motion was made by Dr. Froehling, second by Dr. Pederson, to pay Per Diem for the 4 conference calls held on June 26, 2017, July 19, 2017, August 8, 2017, and October 18, 2017. Motion passed.

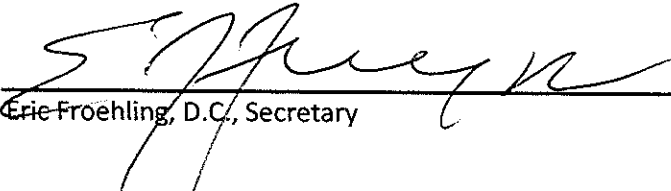
Due to time issues, the rest of the agenda items will be held over until the November 15, 2017 meeting.


Mr. Erickson disconnects/exits the meeting at 1:38 PM.

The next scheduled meeting is November 15, 2017. It is scheduled for 12:30 PM – 2:00 PM.

Adjourn: A motion was made by Dr. Pederson, second by Dr. Froehling, to adjourn the meeting. Motion passed. The conference call ended at 1:41 PM CST.

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


Eric Froehling, D.C., Secretary


Date