



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Board Meeting of the North Dakota State Board of Chiropractic
Examiners held August 17, 2018 at the Radisson Hotel, Bismarck, ND**

Call to Order: Dr. Michael Remmick called the meeting to order at 8:01 AM.

Roll Call: Dr. Remmick, Dr. Ficek, Dr. Froehling, Dr. Pederson, Dr. Yohe, Mr. Edward Erickson (board attorney) and Executive Director Lisa Blanchard were present.

Public attendees: See attached sign-in sheet.

Pledge of Allegiance.

Reading of the Mission Statement: Dr. Michael Remmick

Additions to the Agenda: A motion was made by Dr. Froehling, second by Dr. Pederson, to add Attorney General's office board member training; Dr. Schmitz draft response to email; D.C. Application; Dry Needling certification hours; and Dr. Barton (new) to the agenda. Motion passed.

Approvals:

A motion was made by Dr. Pederson, second by Dr. Yohe, to approve the minutes of the April 20, 2018 Board Meeting, May 16, 2018 Conference Call, June 20, 2018 Conference Call, July 11, 2018 Special Meeting, and the July 25, 2018 Conference Call meetings. Motion passed.

A motion was made by Dr. Ficek, second by Dr. Froehling, to approve the Executive Director 2018 2nd Quarter report. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the 2018 2nd Quarter Financial reports. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the 2018 2nd Quarter Treasurer approved checks over \$500.00. Motion passed.

Response to Dr. Schmitz's email. The ED prepared a draft response as previously instructed. Dr. Remmick felt the full board's review and approval of the draft was required. A motion was made by Dr. Ficek, second by Dr. Pederson, to mail the letter as drafted. Motion passed.

Reports:

A motion was made by Dr. Froehling, second by Dr. Ficek, to accept the FCLB Annual Meeting reports by Dr. Remmick and Lisa Blanchard; the Part IV (May) NBCE Testing reports of Dr. Remmick and Dr. Pederson; and the Part IV NBCE Test Writing report by Dr. Yohe. Motion passed.

Board Business:

D.C. Application. The Executive Director received an application for licensure. In the application materials, the applicant indicated that he had not been in actual practice for many years but has maintained an active license in another jurisdiction the entire time. The statutes do not restrict the approval of licensure due to the information provided. A motion was made by Dr. Pederson, second by Dr. Froehling, to approve the application for Dr. Moore. Motion passed. The ED will follow normal application approval procedure.

Dry Needling Certification Hours issue. The ED received hours from an individual expecting these would complete his full dry needling certification. With this certificate, this individual only completes 46-hours of in-person training, not 50-hours as the rules state. Changes to dry needling certification programs have been made after our rules were established therefore this error may occur more frequently. Mr. Erickson will research if there are any established case laws for an exception. The ED will notify the license holder to provide an update.

Record Retention Schedule. This work has been completed, submitted, and approved by the state. The official schedule can be found on the state's website. The ED will be able to begin the disposal process in January 2019. Information only.

License Renewal Question. Due to the Labor Day holiday, the ED requested that the board determine which date phone calls to delinquent renewals should be made (if applicable). The Board instructed her to make any delinquent phone calls on Tuesday, September 4, 2018 and observe the Labor Day holiday. Instruction only.

Policy Manual – 1st Draft: The ED presented the board with the first draft of the board's policy manual. The board reviewed the draft, page-by-page, and suggested edits, corrections, and additions. The Executive Director will prepare a 2nd draft to be reviewed again at the January 2019 board meeting. No formal action taken at this time.

CHRI Information/Training. The Board went through the section of the Policy Manual drafted for CHRI. The ED explained the updated information regarding Audits, etc. Each board member will have to complete a brief online training course. The ED will be getting this setup and further instructions to each board member. Information only.

2017/2018 Audit. Due to the changes in the Procurement purchasing thresholds, the board no longer will need to complete an RFP process for selection. The Executive Director was instructed to select the CPA/Firm located closest to the board office for this audit. Instruction only.

Any state laws mandating license holders collect patient SS#'s. There are no state laws that mandate the collection, it is individual preference. If collected, the HIPPA laws must be observed. Insurance contracts may require the collection, but that would be up to the license holders to determine by any contracts signed. The ED will notify the license holder that requested this information. Additionally, a mass email to all license holders will be prepared.

Disciplinary Considerations – Formal vs. Informal (Conditional). The Board held a discussion regarding the current processes regarding actions taken and if the informal agreements are working. Each case must be determined on its own, but the consensus was to continue as is regarding the informal actions.

However, if violations are repeated by a license holder, the action taken should move from informal to formal. Discussion only.

Request to remain anonymous (from board members). The ED received an email sharing a possible advertising violation. They did not want to file a formal complaint and they wished to remain anonymous from the board members. Although this individual was technically not anonymous as the ED can identify him/her, it is not the ED's job to make the determinations of the board. That is the duty of the board and its members and the law requires a signed formal complaint. The ED was instructed, for any future occurrences, to return it to the individual requesting a formal complaint.

Review of the Laws and Administrative Rules for possible updates/additions/corrections. The Board reviewed the entire chapters/sections of the Law and Administrative Rules for possible updates to be proposed for legislative sessions or committee approvals. The ED will work on a draft from the information discussed. The deadline for a law/bill submission for this session will be approximately December 4, 2018. No formal action taken. Work in progress.

The Board took a break from 12:00 PM – 12:37 PM for lunch. This occurred in the middle of the Law/Rule discussion above. The Board picked up where they left off.

Cases:

Freedom Chiropractic/Dr. Schmitz. Mr. Bahr received the judge position that he applied for, therefore can no longer represent the board in this case. A motion was made by Dr. Pederson, second by Dr. Froehling, to move forward with the case in the Attorney General's Civil Litigation division. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. Mr. Erickson will initiate the transition.

Dr. Lamp. The requested patient appointment schedules were received. Dr. Pederson volunteered to randomly select 25-patients from the list. The ED will prepare a letter for Dr. Lamp requesting the patient files. Dr. Yohe and the ED will select a date/time to pick-up the files from Dr. Lamp's office.

Dr. N. Weiss. No updates at this time.

Dr. Hengel-Borud. The requested patient records were received, although the records included only the months of February 2016 or February 2017. The complete patient files were not provided. The board members felt the request letter was clear, but interpretations may have varied. The Board instructed the ED to prepare a letter for Dr. Hengel-Borud indicating that there will be an onsite visit. During that visit by the ED, she will provide Dr. Hengel-Borud with 4 individuals from the previously requested list and have her prepare the complete patient file at that time. Instruction to the ED.

Dr. Hanson. The Board has received all of the further requested information from Dr. Hanson in this case (billing) and were satisfied. A motion was made by Dr. Froehling, second by Dr. Yohe, to close this case without action taken. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Hanson. The Board has received a response from an attorney and from Dr. Hanson. After review of the responses provided and the complaint, the Board would like an additional response. A motion was made by Dr. Pederson, second by Dr. Ficek, to request Dr. Hanson to respond to the possible violations

of 17-03-01-01 (18) (f), (g), & (h). The ED will draft, with Mr. Erickson's review. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Healing Arts/Dr. Paape. The requested response to the complaint was received and reviewed by the board. Dr. Paape and Mr. Gust (his attorney), both in attendance, requested time for explanation or to answer questions. Dr. Remmick asked if there were any objections from the board members. No objections were given. Mr. Gust, Dr. Paape, and Mrs. Melanie Paape were all allowed time to speak and explain their positions. The Board members held discussion regarding the previous offer. A motion was made by Dr. Froehling, second by Dr. Ficek, to edit Dr. Paape's original offer from a formal settlement agreement to a conditional dismissal with the same terms: include \$500/offense for a total of \$1,500.00; Pass 3 parts (Fraud, Professional Standards, Unprofessional Conduct) of the EBAS within 6-months. A roll call vote was taken with 4 members voting in the affirmative and Dr. Yohe abstaining (4-0). Motion passed.

Dr. Wiseth. The Board has been notified of the indictments in MN. Mr. Erickson indicated that any actions this board may take will have to occur after/in result of the court action taken. Information only.

Dr. Sauer. Mr. Erickson shared that he has been in discussion with Dr. Sauer's attorney regarding terms to the previously offered informal agreement. He will provide further information when the conversations have been concluded. Information only.

New Complaints:

Dr. Schmitz. A complaint was received regarding information found on Dr. Schmitz's website with possible violations of 17-03-01-01(18)(d). A motion was made by Dr. Pederson, second by Dr. Ficek, to request Dr. Schmitz response to the complaint. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Barton. A new complaint was received. A motion was made by Dr. Froehling, second by Dr. Pederson, to request Dr. Barton respond to the allegations made in the complaint, specifically addressing the business relationship between Core Health and Fargo Metabolic, including a copy of the clinic's pre-payment policy, and a complete copy of the patient records. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.


Calendar Review: The next meeting is scheduled for October 24, 2018, but may be cancelled if we have not been assigned a new attorney. AG's board member training is scheduled for October 30th in Bismarck – more information to come from them at a later date.

Per Diem & Expenses: A motion was made by Dr. Ficek, second by Dr. Froehling, to pay 1-day per diem and the appropriate expenses for this meeting. Motion passed.

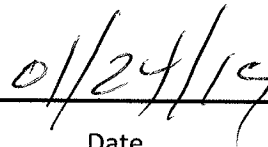
New Doctor Seminar: The new doctor seminar started at 4:00 PM, with 3 doctors in attendance. As this was a changed date for this seminar, the lower attendance number was not a surprise.

Adjourn: A motion was made by Dr. Pederson, second by Dr. Yohe to adjourn the meeting. Motion passed. The meeting concluded at the end of the New Doctor Seminar at 5:10 PM.

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



Eric Froehling, D.C., Secretary



Date

ND Board of Chiropractic Examiners - August 17, 2018 Board Meeting

Public Attendee Sign-In - Please Print

1)	Kevin Paape
2)	Melanie Paape
3)	Jake Schmitz
4)	Michael Nicollet
5)	Forrest Sauer
6)	Mal Gud
7)	
8)	
9)	
10)	
11)	
12)	
13)	