



NORTH DAKOTA STATE BOARD OF CHIROPRACTIC EXAMINERS

Minutes of the Conference Call Board Meeting of the North Dakota State Board of Chiropractic Examiners held December 12, 2018.

Call to Order: Dr. Michael Remmick called the meeting to order at 12:30 PM CST.

Roll Call: Those present included, Dr. Michael Remmick, Dr. Dion Ficek, Dr. Eric Froehling, Dr. Steven Pederson, Dr. Kent Yohe, Assistant Attorney General Ms. Allyson Hicks, and Executive Director Lisa Blanchard.

The President asked if any public members wished to identify themselves: Dr. Kevin Paape and Dr. Jacob Schmitz indicated their attendance.

Reading of the Mission Statement: Dr. Remmick.

Additions: There were no additions for the agenda.

Board Business:

T10/Preceptor Approval Application. An application for a T10 student to intern at the Fargo VA was received. The Preceptor/supervising chiropractor does not hold a ND license, but is authorized to practice at the VA Hospital with his MN license per Public Law 108 170. NDCC 43-06-02 (2) states that the intern must be under the supervision of a chiropractor licensed in ND. No Federal statute or regulation was provided that would supersede this law. A motion was made by Dr. Pederson, second by Dr. Ficek, to deny the application as the supervising chiropractor is not licensed in ND. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Contacting Governor's office regarding board appointment. Ms. Hicks will inquire with the Governor's office on the status of the board appointment as the term should have started on September 1, 2018.

Public/Licensee questions standard response. Dr. Remmick reported the volume of questions we've received that should not be answered by the Board due to providing legal advice. We currently provide a standard response but would like Ms. Hicks to prepare an updated response for the board to use.

Review of compliance regarding Open Meeting Rules. Discussion to be held at the January meeting. Ms. Hicks is to share any concerns she has observed so far.

Cases:

Dr. Paape. All terms of the Conditional Dismissal have been met. A motion was made by Dr. Yohe, second by Dr. Froehling, to close the case. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Hanson. Review of the information and previous discussion was held. The Board discussed that if Dr. Hanson continues to utilize the information as presented, further complaints will likely be received. However, no violation of the law could be found with the information presented. A motion was made by Dr. Yohe, second by Dr. Froehling, to dismiss the complaint as no violation of law was found. A roll call vote was taken with Remmick voting no (4-1). Motion passed.

Dr. Sauer. Dr. Remmick asked Ms. Hicks to update the board on the communications she has held with the law firm representing Dr. Sauer. She reported that in her research that our law is very similar to Federal Law and this is a highly studied area regarding inducement. Federal law includes an exception – de minimis transfer of value. Discussion whether the offer of free dinner is a violation of our law was held. A motion was made by Dr. Pederson, second by Dr. Froehling, to have Ms. Hicks reoffer the original Conditional Dismissal offer to include the terms: \$500.00 fee and successful completion of the online ND Jurisprudence Examination for violation of 17-03-01-01(18)(h). A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Barney. The response from Dr. Barney was received. Both the complaint and response were reviewed by the Board. A motion was made by Dr. Ficek, second by Dr. Yohe, to dismiss this complaint as the Board was unable to find a violation of the law. Ms. Hicks will notify all parties. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Lamp. The Peer Review report was received. Each member of the committee has submitted their fees for a grand total of \$2,962.50. A motion was made by Dr. Froehling, second by Dr. Yohe, to reimburse the Peer Review committee members. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

A copy of the report has been provided to Dr. Lamp by email, but no confirmation of receipt has been received, as requested. Discussion on how to proceed with this case was held. The report noted deficiencies. A motion was made by Dr. Ficek, second by Dr. Yohe, to have the Executive Director prepare a letter requesting Dr. Lamp's response to the Peer Review report by providing a Corrective Action Plan to be received on or before January 14, 2019. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. N. Weiss. The first monitoring report from Dr. Deutsch has been received. The board members briefly shared their satisfaction in the report. Dr. Weiss requested a 2-week extension to complete his response/corrective action plan. The board members did not have any issues with the request. Dr. Remmick instructed the Executive Director to notify Dr. Weiss that the extension will be granted.

Dr. Barton. Due to time, the Board has not been able to discuss this complaint. Dr. Remmick asked the board members if they had any further requests from either party that they would like for the January meeting. No further information was requested. Dr. Remmick feels we should be able to finalize this in January. No action at this time.

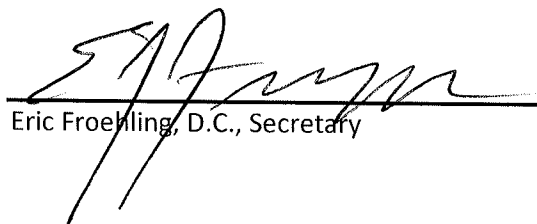
New Complaint:

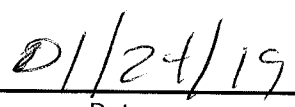
Dr. Galt. The Board has received a copy of the complaint filed. A motion was made by Dr. Pederson, second by Dr. Froehling, to request Dr. Galt's response to the complaint and to request the complainant provide copies of information previously distributed, but not received, as indicated in the complaint. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

The next meeting is scheduled for January 24, 2019 in Bismarck, ND. The New Doctor Seminar is scheduled for January 25, 2019 at 6:30 PM.

Adjourn: A motion was made by Dr. Ficek, second by Dr. Yohe, to adjourn the meeting. Motion passed. The conference call ended at 2:00 PM CST.

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


Eric Froehling, D.C., Secretary


Date
