



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Board Meeting of the North Dakota State Board of Chiropractic
Examiners held January 24, 2019 at the Radisson Hotel, Bismarck, ND**

Call to Order: Dr. Michael Remmick called the meeting to order at 8:00 AM.

Roll Call: Dr. Remmick, Dr. Ficek, Dr. Froehling, Dr. Pederson, Dr. Yohe, Ms. Allyson Hicks (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. Yohe to add Dr. Wiseth to the agenda. Motion passed.

Approvals:

A motion was made by Dr. Pederson, second by Dr. Ficek, to approve the minutes of the August 17, 2018 Board Meeting, October 24, 2018 Conference Call Meeting, December 12, 2018 Conference Call Meeting, and January 14, 2019 Special Meeting. Motion passed.

A motion was made by Dr. Yohe, second by Dr. Ficek, to approve the 2018 3rd and 4th Quarter Executive Director Reports. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the 2018 3rd and 4th Quarter Financial Reports. Motion passed.

A motion was made by Dr. Froehling, second by Dr. Ficek, to approve the Treasurer approved checks over \$500.00. Motion passed.

Reports:

A motion was made by Dr. Ficek, second by Dr. Pederson, to accept the written FCLB 2018 District Meeting Reports of Dr. Froehling and Ms. Blanchard and the verbal Part IV testing report of Dr. Yohe. Motion passed.

Business:

Open Meetings: Review of compliance and suggestions for 2019. Ms. Sandra DePountis of the ND Attorney General's office gave a brief overview and education session regarding the ND Open Records and the ND Open Meetings laws.

Cases:

Dr. Lamp. The Peer Review Committee report has been received. Dr. Lamp's response to the Peer Review Report, including a corrective action plan, was received and reviewed by the board. A motion was made by Dr. Froehling, second by Dr. Pederson, to send a letter to Dr. Lamp indicating that the Board is satisfied with the progress made and corrective action plan presented and that he should remain in compliance. Additionally, allow him 90-days to reimburse the Board for the costs of the Peer Review committee as stipulated in his settlement agreement. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Sauer. At the time of the meeting, there was no response received. No action taken.

Dr. N. Weiss. Dr. Weiss requested to be conferenced in for the meeting along with his consultant, Ms. Angela Powell. The Board connected via telephone and proceeded with the case. Ms. Powell requested to address the board members and the request was granted. A motion was made by Dr. Pederson, second by Dr. Ficek, to issue an amended settlement agreement that Dr. Weiss wishes to allow his ND license to lapse, therefore no further monitoring with Dr. Deutsch is required. If he does wish to return to ND, the current settlement agreement will go into effect. Last, Dr. Weiss must pay the outstanding balance to Dr. Deutsch within 90-days. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Galt. The requested response from Dr. Galt was received, including documentation. Additionally, confirmation of the information provided by Dr. Galt, from the OIG, was received. A motion was made by Dr. Yohe, second by Dr. Froehling, to take no action and dismiss this complaint due to the settlement agreement made with the OIG. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Hengel-Borud. A motion was made by Dr. Pederson, second by Dr. Froehling, to move to Executive Session for the discussion of patient records; authority 43-06-14.1(7). A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The Executive Session began at 9:38 AM with all board members, Ms. Hicks, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. A motion was made by Dr. Ficek, second by Dr. Pederson, to return to open meeting. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The meeting was re-opened at 10:01 AM and the public was invited to return. A motion was made by Dr. Ficek, second by Dr. Froehling, to issue a Conditional Dismissal for violation of 17-03-01-01(3). The terms of the agreement are to include a \$500.00 Administrative Fee; re-imbursement to NoDak Insurance of \$2,183.00; and monitoring with KMC University for 1-year with 4 reviews at her expense. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Board Business:

VA Preceptor Placement Update. The VA forwarded information to the Executive Director and she forwarded this to Ms. Hicks for review. We have no jurisdiction on a Federal Facility and therefore it is not our decision whether or not a DC can supervise T10 students. The ED will update the chiropractic college. Information only.

Cases:

Dr. Barton. A motion was made by Dr. Froehling, second by Dr. Ficek, to move to Executive Session for the discussion of patient records; authority 43-06-14.1(7). A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The Executive Session began at 10:25 AM with all board members, Ms. Hicks, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. A motion was made by Dr. Yohe, second by Dr. Ficek, to return to open meeting. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The meeting was re-opened at 10:47 AM and the public was invited to return. A motion was made by Dr. Ficek, second by Dr. Pederson, to dismiss the complaint as we have no jurisdiction over the metabolic program. Additionally, there was no violation found in the chiropractic portion of the complaint. The Executive Director will notify the complainant and Dr. Barton. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Dr. Barney. Ms. Vanyo's request to address the board regarding Dr. Barney was granted. She joined the meeting and did so. No motion for continuation of the dismissed complaint was made. No further action.

Dr. Schmitz. Review of the complaint and response were held. Discussion regarding the specialist definition was held. Dr. Schmitz was asked if he wished to address the board and he did. A motion was made by Dr. Yohe, second by Dr. Pederson, to dismiss the complaint as corrective action by Dr. Schmitz was taken immediately. A roll call vote was taken with Ficek and Remmick voting Nay. (3-2). Motion passed. The Executive director will notify Dr. Schmitz and the complainant.

Freedom Chiropractic/Dr. Schmitz. Ms. Hicks provided a brief update on the status with the litigation division. A special meeting with that division will be held prior to our next board meeting.

Dr. Wiseth. A copy of the plea agreement, provided by Dr. Wiseth, was reviewed. Ms. Hicks does not have any of the previous case information regarding Dr. Wiseth. The ED will update Ms. Hicks. No action at this time.

New Complaints:

Dr. Pozarnsky. A complaint has been received. A motion was made by Dr. Ficek, second by Dr. Froehling, to request a response from Dr. Pozarnsky. Motion passed.

The meeting paused for lunch from 12:00 PM – 12:41 PM.

Board Business:

2019 Calendar:

- Meeting Schedule: A motion was made by Dr. Pederson, second by Dr. Froehling, to hold 4 Board Meetings in 2019 – January 24th, April 26th (Fargo), September 20th, and November 13th. Motion passed. Special meetings via conference call will be called if necessary. Additionally, we will not distribute the connection information for conference call meetings, public attendees will need to attend at the board office, or location designated for the speakerphone.
- Part IV Testing – May: Dr. Ficek/Dr. Remmick; November: Dr. Froehling/Dr. Pederson
- Part IV Test Writing – Dr. Yohe

- FCLB Annual Meeting – Mission Bay, CA – Dr. Remmick/Dr. Ficek/Ms. Blanchard
 - Ms. Blanchard should apply for an attendance scholarship
- FCLB District Meeting – Coeur d’Alene, ID – Dr. Yohe/Ms. Blanchard

Board Office/Insurance. Discussion on relocating the board office to Bismarck was discussed. Due to the uncertainty with the pending legislation, there will be no changes made. Independent insurance was also discussed. Ms. Hicks will research and get back to us regarding state programs/eligibility. No actions taken.

2017/2018 Audit. The Executive Director received a quote from Brady Martz. A motion was made by Dr. Froehling, second by Dr. Yohe, to accept the quote and utilize Brady Martz for the 2017/2018 audit. Motion passed. The Executive Director will forward the agreement to Ms. Hicks for her review when it is received.

2019 ND Legislative Session Bills. The Board has been tracking many bills. Ms. Hicks provided an overview of the following: House Bills: 1253, 1275, 1279, 1373, 1489, and 1523. Senate Bills: 2059, 2102, 2126, 2127, 2306, 2353. A motion was made by Dr. Yohe, second by Dr. Ficek, that the Board remain neutral on SB2306. A roll call vote was taken with all members voting in the affirmative (5-0). A motion was made by Dr. Yohe, second by Dr. Pederson, that the Board oppose SB2353 as written and offer an amendment for an exemption. A roll call vote was taken with all members voting in the affirmative (5-0).

NDCA Legislative Social. Due to initiated Measure 1 and the open meeting laws, the Board members discussed whether it was appropriate to attend. The ED posted the social as a possible meeting as a quorum of board members may attend and board business may be discussed. No action taken as it was up to each individual board member if they wanted to attend or not.

Review of Administrative Rules for updates. Due to the pending legislative bills this session, the Board will wait for the outcome as other changes may be required to be made. Ms. Hicks will provide a proposal of her review. This will allow the Board to review and research items if needed before future discussion. No action taken.

Application Updates. The Board reviewed each of their current applications and the requirements. Changes made will require website changes via Albertson’s. A motion was made by Dr. Pederson, second by Dr. Yohe, to contact Albertson’s to get an estimate on cost and a timeframe of expected completion. A roll call vote was taken with all members voting in the affirmative (5-0). Changes discussed:

- D.C. Application for Licensure
 - Adding a Military Spouse question at beginning
 - Removing Birth Certificate requirement
 - Removing Resume/CV requirement
 - Removing 3 Letters of Reference requirement
 - Updating the Criminal History Record Check timeframe to 4-weeks.
 - Amending the question regarding conviction to the language used on the renewal application #4.
- D.C. Application for License Renewal
 - Editing the question #3 to 2-questions
 - 1 for Disciplinary Complaints

- 1 for malpractice claims
- CCCA Application for Certification
 - Remove copy of ID

Policy Manual 2nd Draft. Updates, per changes made in this meeting, to the sections regard board meetings and applications will be completed. Additionally, an Employment Agreement and the Record Retention policy/schedule will be included. A motion was made by Dr. Froehling, second by Dr. Ficek, to approve the Policy Manual with amendments. A roll call vote was taken with all members voting in the affirmative (5-0). This document is a working document and will require review and revisions at a minimum of an annual basis for accuracy.

Standard Response for Public/Licensees regarding questions & opinion requests. Ms. Hicks will provide the ED with a standard response that may be used as these types of questions – legal advice – are happening quite frequently. Information only.

Office Equipment. The Executive Director requested the Board discuss the purchase of a safe and the purchase of a new shredder. President Remmick asked the ED to also research Fire Files. A motion was made by Dr. Yohe, second by Dr. Ficek, to purchase the Fellows AutoMax 300CL shredder for \$749.00. A roll call vote was taken with all members voting in the affirmative (5-0). A motion was made by Dr. Pederson, second by Dr. Ficek, to purchase the FireKing 2-hour Fire & Water safe for \$602.00. A roll call vote was taken with all members voting in the affirmative (5-0).

Dues. A motion was made by Dr. Froehling, second by Dr. Pederson, to pay the 2019 FCLB dues for \$1,124.00. A roll call vote was taken with all members voting in the affirmative (5-0). A motion was made by Dr. Yohe, second by Dr. Froehling, to pay the \$150.00 FARB dues. A roll call vote was taken with all members voting in the affirmative (5-0).

FCLB/NBCE Voting and Alternate Delegate. As Dr. Remmick and Dr. Ficek will be attending the national meetings, we have assigned them as the delegates. FCLB: Remmick – Voting; Ficek – Alternate; NBCE: Ficek – Voting; Remmick – Alternate. If when making travel arrangements, this does not work, we can reassign accordingly.

Executive Director Employment Agreement & Annual Review. The ED was asked to exit the meeting room. Secretary Froehling took over recording the minutes. Discussion held on performance was satisfactory. A motion was made by Dr. Ficek, second by Dr. Pederson, to raise the salary to \$40,000.00 annually. A roll call vote was taken with all members voting in the affirmative (5-0). The ED will provide a copy of the employment agreement to Ms. Hicks as changes will likely be required.

2019 Proposed Budget. A motion was made by Dr. Froehling, second by Dr. Pederson, to approve as amended. A roll call vote was taken with all members voting in the affirmative (5-0). The amendments include:

- Decreasing Conference Calls to \$300.00
- Increasing Meeting Expenses to \$800.00
- Increasing National Meeting Expenses to \$12,000.00
- Increasing Salary to \$40,000.00
- Increasing Special Meeting Expenses to \$4,000.00
- Increasing State Meeting Expenses to \$8,000.00

Election of Officers:

President: A motion was made by Dr. Pederson, second by Dr. Yohe, to nominate Dr. Remmick as President. Dr. Remmick declined the nomination. A motion was made by Dr. Yohe, second by Dr. Pederson, to nominate Dr. Ficek as President. A roll call vote was taken with Ficek voting Nay (4-1).

Vice President: A motion was made by Dr. Ficek, second by Dr. Pederson, to nominate Dr. Remmick as Vice President. A roll call vote was taken with all members voting in the affirmative (5-0).

Secretary/Treasurer: A motion was made by Dr. Pederson, second by Dr. Yohe, to nominate Dr. Froehling as Secretary/Treasurer. A roll call vote was taken with all members voting in the affirmative (5-0).

Per Diem.

A motion was made by Dr. Froehling, second by Dr. Ficek, to pay 2 days per diem and the appropriate expenses dependent on each board member's travel. A roll call vote was taken with all members voting in the affirmative (5-0).

Recess for the New Doctor Seminar – January 25, 2019 @ 6:30 PM CST.

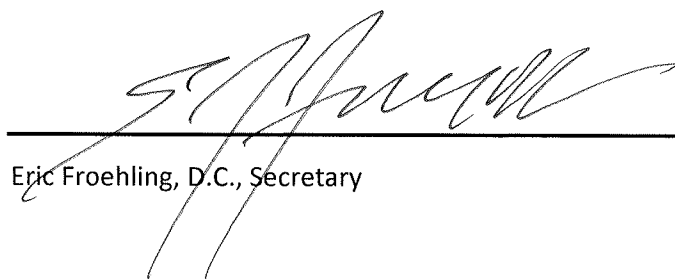
A motion was made by Dr. Yohe, second by Dr. Pederson, to recess. Motion passed. The meeting concluded at 4:40 PM.

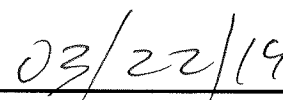
New Doctor Seminar – January 25, 2019.

Roll: Present – Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, and ED Blanchard. Absent: Dr. Pederson. The new doctor seminar started at 6:30 PM, with 14 doctors in attendance.

Adjourn: A motion was made by Dr. Yohe, second by Dr. Remmick to adjourn the meeting. Motion passed. The meeting concluded at the end of the New Doctor Seminar at 7:50 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 - JANUARY 24, 2019 BOARD MEETING

PUBLIC ATTENDEE SIGN-IN - PLEASE PRINT

1)	Jake Schmitz
2)	
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