



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Board Meeting of the North Dakota State Board of Chiropractic
Examiners held July 10, 2019, at the Radisson Hotel, Bismarck, ND**

Call to Order: Dr. Dion Ficek called the meeting to order at 8:30 AM CST.

Roll Call: Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Pederson, Dr. Yohe, Assistant Attorney General Ms. Allyson Hicks, and Executive Director Lisa Blanchard were present.

There were public attendees present in the meeting location and via teleconference.

Pledge of Allegiance.

Reading of the Mission Statement: Dr. Dion Ficek

Additions to the Agenda: A motion was made by Dr. Remmick, second by Dr. Froehling to add to the agenda: 1) Dr. Lipp's application for reactivation of an inactive license; 2) FARB RLS conference for Ms. Hicks; 3) New complaint – Dr. Howe; 4) CCCA Board appointment; 5) license holder question regarding craniobiotic technique. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Approvals:

A motion was made by Dr. Froehling, second by Dr. Pederson, to approve the Minutes of the March 22, 2019 Board Meeting, April 10, 2019 Special Meeting, May 22, 2019 Special Meeting, and June 5, 2019 Special Meeting. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

A motion was made by Dr. Pederson, second by Dr. Froehling, to accept the Executive Director 1st and 2nd quarter reports for 2019. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

A motion was made by Dr. Froehling, second by Dr. Remmick, to accept the Financial Reports for the 1st and 2nd quarters of 2019. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

A motion was made by Dr. Froehling, second by Dr. Yohe, to accept the Treasurer approved checks over \$500.00 for the 1st and 2nd quarters of 2019. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Reports:

A motion was made by Dr. Froehling, second by Dr. Yohe, to accept the written reports from Dr. Yohe (NBCE Part III & Part IV test writing); Dr. Ficek (FCLB Annual Meeting & NBCE Part IV testing); Dr. Remmick (FCLB Annual Meeting & NBCE Part IV testing); and L. Blanchard (FCLB Annual Meeting). A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Board Business:

Administrative Rules Review. The Board continued their detailed review and discussion of proposed corrections, edits, additions, and subtractions of Title 17, picking up with Article 17-03.

17-03-01-01(18). A motion was made by Dr. Pederson, second by Dr. Froehling, to move to Executive Session for attorney consultation, legal authority N.D.C.C. 44-04-19.1(2). A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The Executive Session began at 9:56 AM CST. The roll was taken 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. Froehling, to adjourn the executive session and 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 10:24 AM CST and the public was invited to return. The meeting continued at 10:29 AM after a short break.

The Board completed their initial review of Title 17. A draft of the discussed changes will be prepared by Ms. Hicks for review and discussion at the next meeting. This will include the removal of items 17-03-01-01(18)(g) and (h) as instructed by the board to Ms. Hicks.

The Board recessed for lunch from 12:00 PM – 1:00 PM.

Cases:

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

Dr. N. Weiss. No information to report.

Dr. Hengel Borud. The Executive Director was instructed to send a letter to Dr. Hengel Borud, cc: KMC, requesting a status update. Instruction only.

Dr. Sauer. No information to report – response to last offer not received at the time of meeting.

Dr. Wiseth. The Executive Director reported on the verbal information received. No official paperwork was received at the time of meeting. Information only.

Mr. Nathan Svihovec joined the meeting at 1:05 PM CST.

Freedom Chiropractic/Dr. Schmitz. A motion was made by Dr. Froehling, second by Dr. Yohe, to move to Executive Session for attorney work product, legal authority 44-04-19.1(1); and attorney consultation, legal authority N.D.C.C. 44-04-19.1(2). A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The Executive Session began at 1:10 PM CST. The roll was taken with all board members, Ms. Hicks, Mr. Svihovec, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. A motion was made by Dr. Yohe, second by Dr. Pederson, to adjourn the executive session and 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 1:23 PM CST and the public was invited to return.

Mr. Nathan Svihovec exited the meeting at the conclusion of the topic.

Dr. Isaak. The Executive Director and Ms. Hicks shared the confusion regarding legal representation, per Dr. Isaak's verbal information provided to ED Blanchard and the written information received by Ms. Hicks. The addition to the settlement agreement, presented by Dr. Isaak directly with the Board, was reviewed. A motion was made by Dr. Pederson, second by Dr. Yohe, to have Ms. Hick send a letter via Mr. Quick, rejecting the addition as it is already included in our settlement agreement and to re-offer the last settlement agreement. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

New Complaints:

Dr. Millage; Dr. Pozarnsky; and Dr. Howe. A motion was made by Dr. Froehling, second by Dr. Pederson, to move to Executive Session for closed or confidential records, legal authority N.D.C.C. 44-04-19.2(1) and reports are not public records, legal authority N.D.C.C. 43-06-15(2). A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed. The Executive Session began at 1:34 PM CST. The roll was taken 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. Pederson, to adjourn the executive session and 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 2:01 PM CST and the public was invited to return.

Board Business:

License Holder self-reporting incident. The Executive Director was instructed to provide a response to the license holder thanking them for providing the information. Information only.

PT Advertisement. The Executive Director was instructed to respond to the individual providing the information that this Board has no jurisdiction in the manner and therefore cannot act.

2019 Budget & Financial Review. A review of the budget was held with no modifications made. The Executive Director will update the Policy Manual to reflect changes to the financial accounts and the process of transferring funds.

FARB RLS Conference for Ms. Hicks. A motion was made by Dr. Yohe, second by Dr. Froehling, to authorize Ms. Hicks to attend the FARB RLS Conference in October and to be reimbursed by the Board. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

2017/2018 Audit. No action taken as it has not been completed.

Capitalization Policy. The Board adopts the recommendations of Brady Martz for their capitalization policy. The North Dakota State Board of Chiropractic Examiners will capitalize any piece of property or equipment over \$1,000.00. The method of depreciation will be straight-line following the rules used for tax purposes for the life of assets. The Executive Director will add this to the policy manual.

Applications. The Executive Director will work with Albertson's on the previously discussed edits to the applications. The AG's office has developed standard language for the requirements of SB2306 and will provide that to the Executive Director for inclusion on all applications.

Website. The Executive Director will work on including the Executive Director quarterly reports on the board's website.

Board Office/Insurance. Pending item. The Executive Director will provide a list of the ND Vendors to the Board members for their review. Information only.

Executive Director Employment Agreement. A motion was made by Dr. Froehling, second by Dr. Pederson, to amend the ED Employment agreement to have the salary payable on the last day of the month instead of first day, per recommendations of previous auditor. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Policy Manual Additions. The Executive Director will make the updates to the policy manual as instructed and discussed during this meeting.

Dr. Lipp application for reactivation of an inactive license. Dr. Lipp completed the jurisprudence requirement in 17-02-01-16(4) within 12 months, therefore will not need to complete again. As the CHRI requirement in #5 has been over a year, he will need to complete again along with the CE hours and fee requirements.

License holder question regarding craniobiotic technique. As the Board may not provide advisory opinions, the Executive Director was instructed to respond with the general cannot provide advisory opinions response.

Upcoming CCCA Board appointment. The Executive Director will send a mass email to all Active CCCA's informing them of the changes to the Law and the eligibility to be a board member.

2019/2020 Calendar Review. No changes made at this time.

Per Diem. A motion was made by Dr. Froehling, second by Dr. Pederson, to pay Per Diem and appropriate expenses for this meeting. A roll call vote was taken with all members voting in the affirmative (5-0). Motion passed.

Adjourn: A motion was made by Dr. Yohe, second by Dr. Froehling, to adjourn the meeting. Motion passed. The meeting ended at 3:00 PM CST.

The next board meeting is scheduled for September 20, 2019 in Bismarck, ND.

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



Eric Froehling, D.O., Secretary

9/20/19
Date