



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Special Meeting of the North Dakota State Board of Chiropractic
Examiners held April 29, 2020 via Conference Call, Grafton, ND.**

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

Roll Call: Those present via teleconference included, Dr. Dion Ficek, Dr. Michael Remmick, Dr. Eric Froehling, Dr. Stephen Pederson, Dr. Kent Yohe, Ms. Christa Mellum, Assistant Attorney General Ms. Allyson Hicks and Executive Director Lisa Blanchard. Public: There were public attendees on the conference call.

Reading of the Mission Statement: Dr. Ficek.

As this was a special meeting, no additions to the agenda were permitted.

Agenda:

Freedom Chiropractic/Dr. Schmitz. A motion was made by Dr. Froehling, second by Dr. Yohe, to move to Executive session for N.D.C.C. 44-04-19.1(2) Attorney Consultation. A roll call vote was taken with all members voting in the affirmative (6-0). Motion passed. The Executive Session began at 12:37 PM CST and 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. Pederson, second by Dr. Froehling, to return to open meeting. A roll call vote was taken with all members voting in the affirmative (6-0). Motion passed. The meeting was re-opened at 2:14 PM CST.

A motion was made by Dr. Pederson, second by Dr. Yohe, to accept the administrative law judge recommended order for summary judgement dated April 23, 2020. A roll call vote was taken with Ficek, Remmick, Froehling, Pederson, and Yohe voting in the affirmative and Mellum abstaining (5-0-1). Motion passed.

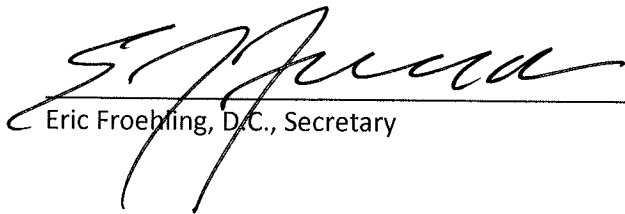
A motion was made by Dr. Froehling, second by Dr. Pederson, to adopt the sanctions of violations of law to include: Civil Penalties to include: \$30,000.00 = \$10,000 per violation; \$33,000.00 for costs of investigation and of proceedings to date; and \$60,000.00 for recovery to reimburse the board for costs of proceedings related to attorney fees. KMC Monitoring for a total of 6 reports completed quarterly; 10 charts per review or as KMC deems appropriate; costs of monitoring are at the expense of Dr. Schmitz; to include Medicare procedures and documentation. Probation to start at the date of the order and concludes at the successful completion of the monitoring. A roll call vote was taken with Ficek, Remmick, Froehling, Pederson, and Yohe voting in the affirmative and Mellum abstaining (5-0-1). Motion passed.

A motion was made by Dr. Yohe, second by Dr. Remmick, to decline Mr. Geiermann's request for motion to stay the order. A roll call vote was taken with Ficek, Remmick, Froehling, Pederson, and Yohe voting in the affirmative and Mellum abstaining (5-0-1). Motion passed.

Per Diem. A motion was made by Dr. Froehling, second by Dr. Pederson, to pay a ½ per diem payment (\$125.00) for this meeting. A motion was made by Dr. Remmick, second by Dr. Froehling, to amend the motion to pay a full per diem (\$250.00) payment for this meeting. A roll call vote was taken on the amended motion with all members voting in the affirmative (6-0). Motion passed.

Adjourn: A motion was made by Dr. Yohe, second by Dr. Froehling, to adjourn the meeting. Motion passed. The conference call ended at 2:20 PM CST.

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



Eric Froehling, D.C., Secretary

05/21/2020
Date