



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Board Meeting of the North Dakota Board of Chiropractic
Examiners held January 22, 2021, at the Radisson Hotel,
Bismarck, ND & Teleconference**

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. Yohe, Dr. Ten Broek, Ms. Mellum, Ms. Botz, and Executive Director Lisa Blanchard were present in meeting location. Assistant Attorney General Ms. Allyson Hicks was present via teleconference.

There were public attendees present on the teleconference.

Pledge of Allegiance.

Reading of the Mission Statement: Dr. Dion Ficek

Additions to the Agenda: A motion was made by Dr. Froehling, second by Dr. Remmick, to add the following topics to the proposed agenda and approve the agenda:

- Legislative Bills SB2164, SB2175, SB2266, HB1349, HB1472.
- New Complaint Dr. McFarlin (The governing body anticipates this topic may be discussed in Executive Session. The legal authority for Executive Session is N.D.C.C. 44-04-19.2(1) Closed or Confidential records and N.D.C.C. 43-06-15(2) Reports are not public records.).
- Fall FCLB District Meeting CE Hours.

A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Approvals:

A motion was made by Ms. Botz, second by Dr. Yohe, to approve the minutes of the September 18, 2020 Board Meeting, September 23, 2020 Special Meeting, and November 11, 2020 Special Meeting. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

A motion was made by Dr. Ten Broek, second by Dr. Yohe, to approve the Executive Director 2020 3rd and 4th Quarter Reports. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

A motion was made by Dr. Froehling, second by Dr. Ten Broek, to approve the 2020 3rd and 4th Quarter Financial Reports. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the 2020 3rd and 4th Quarter checks written. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Licenses:

A motion was made by Dr. Yohe, second by Ms. Mellum, to ratify all chiropractic licenses issued, chiropractic licenses renewed (inactive), certified chiropractic clinical assistant certifications issued, and certified chiropractic clinical assistant certifications renewed between September 19, 2020 – January 21, 2021. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Reports:

A motion was made by Dr. Remmick, second by Dr. Yohe, to accept Dr. Froehling's NBCE Part IV testing report. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

License Management System – Board Member Training: The Board took some time to conduct initial training regarding the updated license management system use for complaint records. Training only.

Cases:

Freedom Chiropractic/Dr. Schmitz. The District Court hearing was held on December 8, 2020. The decision has not been received at the time of the meeting. Information only. No actions taken.

Dr. Wiseth. No update on status since previous meeting. A motion was made by Dr. Yohe, second by Ms. Botz, to remove Dr. Wiseth from the cases as he no longer holds an Active license and therefore would require him to follow the procedure to reactivate the inactive license to practice in North Dakota. If he were to proceed with reactivation, his application for reactivation would be added to a future agenda for discussion. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Dr. Isaak. Hearing postponed from November 2020 to June 2021. No action.

Dr. Hengel Borud. The 3rd and 4th monitoring reports were received from KMC University. The Board reviewed the reports and were satisfied with the improvements made. A motion was made by Dr. Froehling, second by Dr. Yohe, to close the case as all terms of the conditional dismissal agreement have been met. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Dr. Millage. The complaint is pending service. No action taken.

Dr. S. Nagel. The complaint and response were discussed. A motion was made by Ms. Mellum, second by Ms. Botz, to dismiss the complaint for no violation of the law. A roll call vote was taken with Ficek, Froehling, Yohe, Ten Broek, Mellum, and Botz voting in the affirmative. Remmick abstaining. (6-0-1) Motion passed.

New Complaints:

A motion was made by Ms. Mellum, second by Dr. Yohe, to recuse Dr. Ficek from all discussion and voting regarding the Dr. M. Pokorny case due to a conflict. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, Mellum, and Botz voting in the affirmative. Ficek abstaining. (6-0-1) Motion passed.

A motion was made by Dr. Froehling, second by Dr. Ten Broek, to move to Executive Session to discuss, individually, all new complaints received, including Dr. Thorsgard, Dr. M. Pokorny, Dr. K. Ceynar, Dr. T. Olson, and Dr. McFarlin. The legal authority for the executive session is N.D.C.C. 44-04-19.2(1), closed or confidential records; and N.D.C.C. 43-06-15(2), reports are not public records. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed. The Executive Session began at 9:42 AM CST. The roll was taken with Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Ms. Botz, Ms. Hicks (via phone), and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. A motion was made by Dr. Ten Broek, second by Dr. Yohe, to adjourn the executive session and return to open meeting. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed. The meeting/teleconference was re-opened at 10:30 AM CST.

Dr. Thorsgard. A motion was made by Dr. Remmick, second by Dr. Froehling, to have Ms. Hicks proceed with requesting a response as directed in the executive session. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Vice President Dr. Remmick takes over for President Dr. Ficek.

Dr. M. Pokorny. A motion was made by Dr. Froehling, second by Dr. Yohe, to have Ms. Hicks proceed with requesting a response as directed in the executive session. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, Mellum, and Botz voting in the affirmative. Ficek abstaining. (6-0-1) Motion passed.

President Ficek returns.

Dr. K. Ceynar. A motion was made by Dr. Ten Broek, second by Ms. Mellum, to have Ms. Hicks proceed with requesting a response as directed in the executive session. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Dr. T. Olson. A motion was made by Dr. Yohe, second by Ms. Botz, to issue a board-initiated complaint based on the information received. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed. A motion was made by Dr. Froehling, second by Dr. Yohe, to have Ms. Hicks proceed with requesting a response as directed in the executive session. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Dr. McFarlin. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to have Ms. Hicks proceed with requesting a response as directed in the executive session. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Other Litigation:

Open Records Lawsuit. Pending. No action.

Board Business:

Administrative Rules. The proposed rules were approved by the Administrative Rules Committee at their December 1, 2020 meeting with an effective date of January 1, 2021. The Executive Director reported the updates made due to the changes. Notification was provided electronically, including a copy of the rules, to all license holders on January 4, 2021. Information Only.

2021 Legislative Bills. The Board reviewed SB2060 (our bill), HB1166, SB2164, SB2175, HB1349, SB2266 with no actions taken. A discussion was held regarding HB1472. Ms. Hicks will be meeting with the Medical Board during the lunch break and will report back with their action.

Application for Licensure – Dr. Arauz. The Board discussed the information received and determined that based upon that information, the application is not complete. A motion was made by Dr. Yohe, second by Ms. Botz, to have Ms. Hicks send a letter indicating that the Board will permit Dr. Arauz 30-days to withdraw the application. If the application is not withdrawn, the Board may deny the application for licensure. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Unlicensed practice report follow-up. Ms. Hicks has received no response or information from the Cass County States Attorney but will continue to follow-up. Information only.

CCCA/ND Medical Imaging and Radiation Therapy Board. The Executive Director provided NDMIRT with additional information they requested. They have also requested the ED attend an upcoming meeting to present and answer questions. The ED asked the Board to provide her with a statement on their behalf. The Board indicated that the ED should share that some CCCA's will not qualify for the LXMO, however, there will be some that may and that it is NDMIRT's discretion on those applications. Information only.

PT Entrepreneur Ankle & Foot CE Approval Request. A motion was made by Dr. Yohe, second by Ms. Botz, to approve the request for CE approval. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

2019/2020 Audit. Brady Martz provided a quote for \$8,925.00 to complete the 2019/2020 Audit to start in late April 2021. A motion was made by Dr. Froehling, second by Dr. Ten Broek, to approve and accept the quote by Brady Martz for the 2019/2020 audit. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

2021 Calendar.

Board Meetings: April 16, 2021 (Grand Forks/Teleconference); July 14, 2021 (Bismarck); September 24, 2021 (Bismarck); January 21, 2022 (Bismarck)

NBCE Part IV: May – Ficek/Remmick; November – Ten Broek

NBCE Part IV Test Writing: Yohe

Board Office: Office Hours/Holiday schedule same as 2020.

Website, Technology & Office Equipment Future Planning:

Website: Online Renewal Availability/Admin Late Fee update. The Executive Director shared the information regarding updating the online renewal system to correctly assess the admin late fee starting on September 2nd and that it would require programming for each day in September. She also suggested possibly lessening the time that the online renewal is available from October 1st to September 15th, annually, to bring the cost of updating down a bit. A motion was made by Dr. Remmick, second by Ms. Mellum, to shorten the online renewal for chiropractors to July 1st – September 15th annually and to have Albertson's program the administrative late fee correctly. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

The Board recessed for lunch from 12:00 PM CST – 1:00 PM CST. The teleconference line was disconnected during the break and reconnected prior to reconvening.

Website: CE Reporting Options. The ED presented the option of updating and utilizing our current license management system for the CE reporting vs. an outside/separate vendor. Due to the current financial uncertainty of the Board, the members are tabling this discussion until the January 2022 meeting.

Fire File Cabinets. This was rediscussed from a previous request made by Dr. Remmick. Due to potential cost, no action taken at this time. Executive Director will continue to research and look for affordable options.

Board Member Tablets. A discussion was held regarding a replacement schedule for the Board Member tablets. ND ITD recommends a 4-year replacement schedule. The Board instructed the Executive Director to include the process of replacement of 2 devices annually (on a rotational basis) starting with the 2022 budget. Direction only.

Fax Line. The Executive Director provided a verbal proposal to convert the existing landline for the fax machine to an internet-based fax system. A motion was made by Dr. Froehling, second by Dr. Ten Broek, to contract with SRFax for their Regular Standard Plus 1500 pages account – paid at the one-time annual rate option. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Dues. A motion was made by Dr. Froehling, second by Dr. Yohe, to pay the FCLB (\$1,180.00) and FARB (\$175.00) dues for 2021. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Financial: Reserve Accounts. The information in the policy manual was reviewed. The current balances of the reserve accounts were reviewed. Discussion regarding increasing the dollar amounts in the reserve accounts was held. A motion was made by Dr. Froehling, second by Ms. Mellum, to increase the balance of all reserve accounts by 10% (Litigation = \$10,000; Technology = \$2,000; Operating = \$5,000). A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

CHRI – Internal Policy & Procedure Review/Training. The Board's CHRI policy was reviewed and discussed, including the proposed updates by the Executive Director. All members signed updated Acknowledgement Statements of Misuse. These items will be completed every 2-years at the January board meeting. A motion was made by Dr. Remmick, second by Dr. Yohe, to adopt and approve the CHRI policy as amended. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Policy Manual. The Executive Director completed thorough review of the Policy Manual and made suggested edits based upon the changes to the administrative rules and instruction from the September 2020 board meeting. A motion was made by Dr. Yohe, second by Dr. Remmick, to adopt and approve the policy manual as amended. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

HB1472. Ms. Hicks reported that the ND Board of Medicine will be opposing this bill. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to submit written testimony in opposition to HB1472. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

CE Hours for FCLB District Meeting. Dr. Remmick attended both 1-hour sessions of the FCLB Fall Virtual district meeting. A motion was made by Dr. Froehling, second by Dr. Yohe, to approve 2 hours of CE for

Dr. Remmick. A roll call vote was taken with Ficek, Froehling, Yohe, Ten Broek, Mellum, and Botz voting in the affirmative. Remmick not voting. (6-0-1) Motion passed.

Executive Director Employment Agreement & Review. The Executive Director voluntarily stepped out of the meeting space so the Board could review and discuss this topic. The Secretary/Treasurer took over as the recorder. Discussion was held regarding a raise vs. a bonus. A motion was made by Dr. Yohe, second by Ms. Botz, to increase the salary for February 1, 2021 – January 31, 2022 by \$2,000.00 to \$45,000.00 total. A roll call vote was taken with all members voting in the affirmative (7-0). Motion passed.

2021 Proposed Budget. The Executive Director went through the proposed budget and explained the reasoning for the proposals and figures. Based upon decisions made during the meeting, the Dues line item is increased by \$175.00 and the Salary line item is increased by \$2,000.00. All other items remain as proposed. A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the 2021 budget as amended. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

FCLB Annual Meeting. A motion was made by Dr. Yohe, second by Dr. Froehling, to approve the President, Vice President, and Executive Director attendance at the FCLB Annual Meeting. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

FCLB & NBCE Voting and Alternate Delegates. A motion was made by Dr. Yohe, second by Dr. Froehling, to submit the President as the Voting Delegate and the Vice President as the Alternate Delegate for both organizations. Motion passed.

Election of Officers:

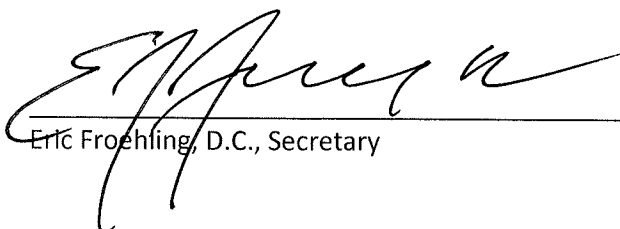
President. A motion was made by Dr. Froehling, second by Ms. Mellum, to nominate Dr. Ficek for another term as President. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, Mellum, and Botz voting in the affirmative. Ficek voting no. (6-1) Motion passed.

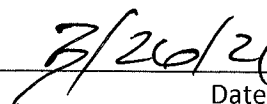
Vice President and Secretary/Treasurer. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to keep Dr. Remmick as Vice President and Dr. Froehling as Secretary/Treasurer for an additional term. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Per Diem: A motion was made by Dr. Froehling, second by Dr. Ten Broek, to pay 1-day Per Diem and appropriate expenses for this meeting. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

Adjourn: A motion was made by Dr. Yohe, second by Ms. Botz, to adjourn the meeting. Motion passed. The meeting ended at 2:55 PM CST.

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


Eric Froehling, D.C., Secretary


Date