



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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Minutes of the Board Meeting of the North Dakota Board of Chiropractic Examiners held March 26, 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, Executive Director Lisa Blanchard, and Assistant Attorney General Ms. Allyson Hicks were present in meeting location.
Absent: Ms. Botz.

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. Remmick, second by Dr. Yohe, to add Dr. McFarlin (#2021-01) to the proposed agenda under Cases and approve the agenda. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Approvals:

A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the minutes of the January 22, 2021 Board Meeting. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Licenses:

A motion was made by Dr. Yohe, second by Ms. Mellum, to ratify all chiropractic licenses issued, chiropractic reactivation of an inactive license, certified chiropractic clinical assistant certifications issued, and certified chiropractic clinical assistant certifications renewed between January 21, 2021 – March 26, 2021. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Cases:

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

Dr. Millage (#2019-01). A motion was made by Dr. Froehling, second by Dr. Ten Broek, to move to Executive Session to discuss this topic. The legal authority for Executive Session is N.D.C.C. Section 44-04-19.1(2) Attorney Consultation; and N.D.C.C. Section 44-04-19.1(1) Attorney Work Product. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative.

Botz absent/not voting. (6-0-1) Motion passed. The Executive Session began at 8:39 AM CST. The roll was taken with Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Ms. Hicks, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. A motion was made by Dr. Remmick, second by Dr. Yohe, to adjourn the executive session and return to open meeting. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed. The meeting/teleconference was re-opened at 8:51 AM CST.

A motion was made by Dr. Ten Broek, second by Dr. Froehling, to have Ms. Hicks proceed as directed in the executive session. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Dr. T. Olson (#2020-02). The Board reviewed the complaint and the response to the complaint. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to dismiss the complaint for no violation of the law. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Dr. Thorsgard (#2020-03). The Board reviewed the complaint and the response to the complaint. A motion was made by Dr. Froehling, second by Ms. Mellum, to dismiss the complaint for no violation of the law. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Dr. K. Ceynar (#2020-05). The Board reviewed the complaint and the response to the complaint. A motion was made by Dr. Ten Broek, second by Dr. Yohe, to dismiss the complaint for no violation of the law. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Dr. McFarlin (#2021-01). The Board reviewed the complaint and the response to the complaint. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to dismiss the complaint for no violation of the law. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Dr. Remmick takes over the meeting for the next topic. Dr. Ficek recused.

Dr. M. (Pokorny) Custer (#2020-04). This topic was discussed in Executive Session. The legal authority for Executive Session is N.D.C.C. Section 44-04-19.2(1) Closed or Confidential records; and N.D.C.C. Section 43-06-15(6) Medical or psychological information is not public record. The Executive Session began at 9:09 AM CST. The roll was taken with Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Ms. Hicks, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. The meeting/teleconference was re-opened at 9:38 AM CST.

A motion was made by Dr. Froehling, second by Dr. Ten Broek, to have Ms. Hicks proceed as directed in the executive session. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. Ficek abstaining. (5-0-1-1) Motion passed.

A motion was made by Dr. Froehling, second by Ms. Mellum, to dismiss the new complaint against Dr. Chantal Pokorny as she does not hold a North Dakota license. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. Ficek abstaining. (5-0-1-1) Motion passed.

Dr. Ficek takes over the meeting.

Board Business:

2021 Legislative Bills. The Executive Director and Ms. Hicks provided a verbal update on the status of the legislative bills that the Board discussed at their January 2021 meeting. Information only.

Continuing Education Review/Approval Request. The Board reviewed the website link, provided by a license holder, for the requested course/seminar. Upon review, there was no information found regarding continuing education hours, availability, approval requests, etc. A motion was made by Dr. Remmick, second by Dr. Yohe, to deny the continuing education request. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Ficek voting in the negative. Botz absent/not voting. (5-1-1) Motion passed.

Continuing Education Application and Approval Process. The Board held a discussion regarding the current procedure for reviewing/approving continuing education requests that are not routine. The Executive Director provided a drafted continuing education approval application created from the FCLB generic CE application and the ND Administrative Rules. A motion was made by Dr. Remmick, second by Dr. Froehling, to approve the application as drafted and to include it on the website. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed. Based upon the application and usage, the Board may revisit the procedure for reviewing/approving requests at a future meeting.

Review of License Renewal Application questions. The Board reviewed the report "What Happens When Boards Ask About Mental Health". Ms. Hicks indicated that the Medical Board made updates to their questions based upon this report. The Executive Director will reach out to the Medical Board for a copy of their questions. Information Only.

Unlicensed Practice Report Follow-Up. Ms. Hicks indicated she has been in contact with the Cass County States Attorney. Will provide more information when she has it. Information only.

CCCA/ND Medical Imaging & Radiation Therapy Board. The Executive Director reported on her attendance at their meeting and the positive outcome. Information only.

Dr. Carol Winkler, NBCE Board Member, arrived at 10:20 AM CST.

NBCE Presentation. Dr. Winkler presented current information and updates on the specialty exams of the NBCE, including SPEC, EBAS, and Jurisprudence Exams. Information only.

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 Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Dr. Winkler exits at 11:00 AM CST.

Mr. Matthew Sagsveen arrives at 10:55 AM CST.

Mr. Nathan Svihovec arrives at 11:13 AM CST.

Cases:

Dr. Schmitz: District Court Case #08-2020-CV-01829 & Supreme Court Docket #20200310.

Mr. Svihovec provides a status update on the Administrative Appeal.

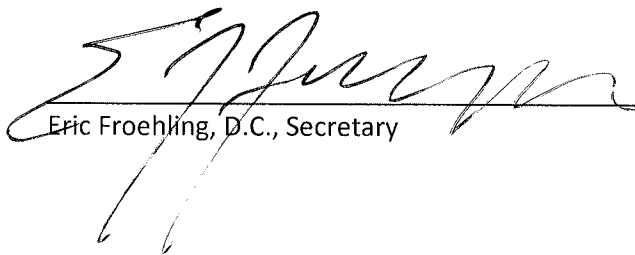
A motion was made by Dr. Remmick, second by Dr. Froehling, to move to Executive Session to discuss these cases. The legal authority for this executive session is N.D.C.C. Section 44-04-19.1(2) Attorney Consultation; N.D.C.C. Section 44-04-19.1(1) Attorney Work Product; and N.D.C.C. Section 44-04-19.1(9) Attorney Discussion Regarding Negotiation Strategy and Instructions for Adversarial Administrative Proceeding. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, and Ten Broek voting in the affirmative. Botz absent/not voting. Mellum abstaining. (5-0-1-1) Motion passed. The Executive Session began at 11:21 AM CST. The roll was taken with Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Ms. Hicks, Mr. Sagsveen, Mr. Svihovec and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. The meeting/teleconference was re-opened at 12:13 PM CST.

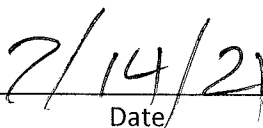
A motion was made by Dr. Froehling, second by Dr. Yohe, to proceed as discussed in the executive session. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, and Ten Broek voting in the affirmative. Botz absent/not voting. Mellum abstaining. (5-0-1-1) Motion passed.

A motion was made by Dr. Yohe, second by Dr. Ten Broek, to grant Dr. Ficek the authority as point person for any questions from the attorneys. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, and Ten Broek voting in the affirmative. Botz absent/not voting. Mellum abstaining. (5-0-1-1) Motion passed.

Adjourn: A motion was made by Dr. Froehling, second by Ms. Mellum, to adjourn the meeting. Motion passed. The meeting ended at 12:18 PM CST.

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


Eric Froehling, D.C., Secretary


Date