



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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Minutes of the Special Meeting of the North Dakota State Board of Chiropractic Examiners held June 9, 2021 via Conference Call, Grafton, ND.

Call to Order: Dr. Dion Ficek called the meeting to order at 12:00 PM CST.

Roll Call: Those present via teleconference included Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Assistant Attorney General Ms. Allyson Hicks, and Executive Director Lisa Blanchard. Absent: Ms. Botz. 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.

Cases:

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

Dr. M. (Pokorny) Custer (#2020-04). A motion was made by Dr. Froehling, second by Dr. Yohe, to discuss this topic 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. 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. Yohe had connection issues joining the executive session. The Executive Session began at 12:11 PM CST. The roll was taken with Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Dr. Ficek, 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. Ten Broek, to adjourn the executive session and return to open meeting. 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. The meeting was re-opened at 12:25 PM CST.

A motion was made by Dr. Yohe, second by Dr. Froehling, 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.

Dr. Ficek takes over the meeting.

New Complaints:

Dr. Jeffrey Pokorny (#2021-03). Dr. Ficek announces a potential conflict and requests to be recused. A motion was made by Dr. Froehling, second by Dr. Remmick, to recuse Dr. Ficek from this complaint. 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. Remmick takes over the meeting. Dr. Ficek recused.

A motion was made by Dr. Froehling, second by Dr. Yohe, to discuss this topic 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(2) Reports are not public record. 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. The Executive Session began at 12:33 PM CST. The roll was taken with Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Dr. Ficek, Ms. Hicks, 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. Froehling, to adjourn the executive session and return to open meeting. 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. The meeting was re-opened at 12:55 PM CST.

A motion was made by Dr. Yohe, 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.

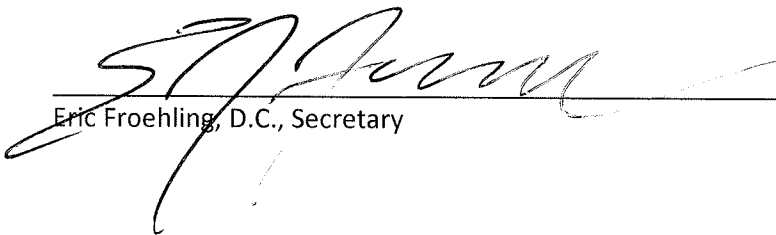
Dr. Ficek takes over the meeting.

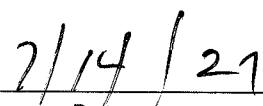
North Dakota Chiropractic Association (NDCA). A motion was made by Dr. Froehling, second by Dr. Yohe, to stay in open session to discuss this complaint. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed. The Board of Examiners regulates licensees and the practice of chiropractic, the NDCA is a trade association. Additionally, the President of the NDCA at the time, Dr. Kristian Anderson (a license holder) was named in the complaint and discussion was held whether an action may be brought. A motion was made by Dr. Froehling, second by Dr. Yohe, to dismiss the complaint and notify the complainant that this does not fall under the Board's jurisdiction, and they should seek private legal counsel for assistance on a resolution. 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.

Per Diem. A motion was made by Dr. Froehling, second by Ms. Mellum, to pay a ¼ per diem payment (\$62.50) 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.

Adjourn: A motion was made by Dr. Yohe, second by Dr. Ten Broek, to adjourn the meeting. Motion passed. The meeting ended at 1:08 PM CST.

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


Eric Froehling, D.C., Secretary


Date