



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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Minutes of the Board Meeting of the North Dakota Board of Chiropractic Examiners held September 24, 2021, at the Radisson Hotel, Bismarck, ND

Call to Order: Dr. Dion Ficek called the meeting to order at 8:31 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. Absent: Ms. Botz.

There were public attendees present.

Pledge of Allegiance.

Reading of the Mission Statement: Dr. Dion Ficek

Additions to the Agenda: There were no additions. A motion was made by Dr. Remmick, second by Dr. Froehling, to approve the agenda as proposed. Motion passed.

Due to conflicts with schedules, the agenda was not followed in order. These minutes reflect the order of the meeting.

Cases:

Dr. Isaak. Based on the stipulation in the signed Settlement Agreement with Dr. Isaak regarding a guilty verdict in the criminal trial, a motion was made by Dr. Froehling, second by Dr. Yohe, to accept the proposed order for revocation. 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. Millage (#2019-01). Ms. Hicks informed the Board that the Order has been served. No further action needed. This case is closed.

Applications:

Dr. Edison Arauz. The Board reviewed the email inquiry sent by Dr. Arauz regarding licensure in North Dakota. As the original application was withdrawn, there is no current application for the Board to consider. The Executive Director was instructed to inform Dr. Arauz that a new application will need to be submitted for consideration. After receipt of the application, the Board may then consider their options. Instruction only.

Cases:

Dr. Remmick takes over the meeting. Dr. Ficek recused.

Dr. M. (Pokorny) Custer (#2020-04). An update was provided by Ms. Hicks on the status of this case. The conditional license agreement was signed. Ms. Hicks indicated that a special meeting will be needed when the pending paperwork is received. Update only. No action taken.

Dr. Ficek takes over the meeting.

Board Business:

AG Open Record/Open Meeting Complaints (Schmitz & Custer). Responses were submitted. The Attorney General's office has not issued opinions at this time. Information only.

2019/2020 Audit. The Audit Report was distributed to all board members. Discussion was held on the report and the reoccurring control deficiencies. The Board had no concerns with the report. A motion was made by Dr. Remmick, second by Dr. Froehling, to accept the audit as reported by Brady Martz. 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. Remmick takes over the meeting. Dr. Ficek recused.

Dr. Chantel Pokorny (#2021-02). The follow-up response was received including a question from Dr. Pokorny on the status of her license. The Executive Director was instructed to respond to the status question. A motion was made by Dr. Ten Broek, second by Dr. Yohe, to have Ms. Hicks forward the unlicensed practice of chiropractic in North Dakota information to the Stark County State's Attorney. 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. Jeffrey Pokorny (#2021-03). Based upon the information received from Dr. Chantel Pokorny, the Board would like some additional information in this case. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to request additional information/records from Dr. Jeffrey Pokorny. To be included in the records request: # of patients seen by Dr. Chantel Pokorny; how were these billed; dates of service present in the office, etc. Additionally, requesting if he was aware that Dr. Chantel was not licensed. 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.

Dr. Schmitz: District Court Case #08-2020-CV-01827 & #08-2020-CV-01829; Supreme Court Docket #20210135. Ms. Hicks provided a brief verbal update on the status of the cases. Mr. Svihovec was scheduled for the meeting to provide an update but did not attend. Update only. No action taken.

Board Business:

Policy Manual. The Board reviewed proposed changes and additions to the policy manual. Most of the changes were based upon the updates to the Law, effective August 1, 2021. The new additions include notes regarding the reoccurring Audit Control Deficiencies and the distribution of all Accounts Payable/Checks Written monthly vs. quarterly. A discussion was held regarding the email addresses of licensees and their privacy. The Board has not been providing these. Ms. Hicks indicated that they are not considered personal information and must be included in open record requests. The Executive Director indicated that a written (by mail) notice to all license holders regarding this information would be appropriate (similar to an annual privacy notice). A motion was made by Dr. Remmick, second by Dr. Yohe, to approve the updates and additions to the policy manual and to notify all licensees of the open record status of email addresses. 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.

Applications:

N. Bruce (CCCA). A motion was made by Dr. Yohe, second by Dr. Froehling, to recuse Dr. Ten Broek due to the conflict in this application. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, and Mellum voting in the affirmative. Botz absent/not voting. Ten Broek abstaining. (5-0-1-1) Motion passed. *Dr. Ten Broek voluntarily exits the meeting for the duration of this topic.*

The Executive Director provided a verbal timeline of the application process/status. The applicant has been provided 3 criminal history record check packets that have not been returned, therefore no license has been issued. The Board was notified that she has quit her position at the clinic. Additional discussion was held regarding the employer. As this was initiated by complaint, but rather notification to the Board from the Executive Director of the non-routine application situation, a motion was made by Dr. Froehling, second by Ms. Mellum, to initiate a board complaint based on 17-03-01-01(18) to the employer, Dr. Ten Broek, and to request a response. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, and Mellum voting in the affirmative. Botz absent/not voting. Ten Broek abstaining. (5-0-1-1) Motion passed.

Board Business:

Website: Two-Factor Authorization. The Executive Director informed the Board of this security option for the database. The Board instructed the Executive Director to initiate 2-factor security on the database on a 30-day basis.

Board Member Appointment. There has been nothing received from the Governor's Office. Ms. Hicks will inquire. Information only.

2021 Calendar Review:

FCLB District Meeting. Although authorized by the Board to attend, the Executive Director notified the Board that she will not be attending for personal reasons. Information only.

NBCE Part IV Testing – November. Dr. Ten Broek.

FARB RLS (Hicks). The conference has provided a virtual option for attendance which Ms. Hicks will utilize. The Board's \$500.00 contribution will be returned as it is no longer needed for travel expenses. Information only.

AG Office Board Member Orientation. Blanchard, Ten Broek, Mellum, and Botz registered. This has been converted to a virtual option. It will also be recorded for distribution as well. Information only.

January 21, 2022. Next board meeting.

Approvals:

A motion was made by Dr. Froehling, second by Dr. Ten Broek, to approve the minutes from the July 14, 2021, Board Meeting and the August 4, 2021, August 18, 2021, and September 2, 2021 Special Meetings. 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 and renewed, and certified chiropractic clinical assistant certifications issued between July 14, 2021 –

September 24, 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.

Reports:

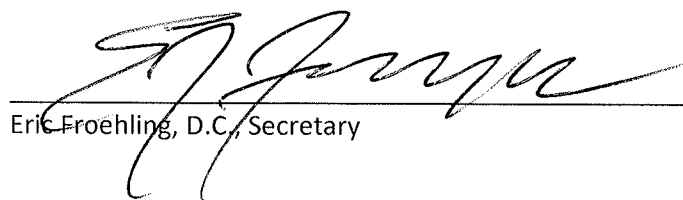
2021 Chiropractor License Renewal Report. The Executive Director distributed the report for information purposes. The official report will be attached to the 3rd Quarter reports. Information only.

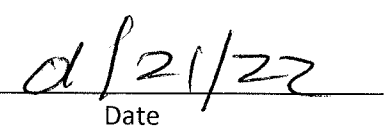
Per Diem:

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

Adjourn: A motion was made by Dr. Froehling, second by Dr. Yohe, to adjourn the meeting. Motion passed. The meeting ended at 10:24 AM CST.

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


Eric Froehling, D.C., Secretary


Date