



# NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

P.O. Box 185 · Grafton, ND 58237

Phone: (701) 213-0476 · Fax: (855) 450-2153 · Email: [contact@ndsbcc.org](mailto:contact@ndsbcc.org) · Web: [www.ndsbcc.org](http://www.ndsbcc.org)

## **Minutes of the Board Meeting of the North Dakota Board of Chiropractic Examiners held April 8, 2022, at the Radisson Hotel, Bismarck, ND**

**Call to Order:** Dr. Eric Froehling called the meeting to order at 8:30 AM CST.

**Roll Call:** Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Executive Director Lisa Blanchard and Assistant Attorney General Mr. Carl Karpinski. Absent: Ms. Botz.

There were public attendees present.

**Pledge of Allegiance.**

**Reading of the Mission Statement:** Dr. Eric Froehling

**Additions to the Agenda:** A motion was made by Dr. Ficek, second by Dr. Yohe, to add CE approval request to the agenda. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

**Approvals:**

A motion was made by Dr. Ficek, second by Dr. Yohe, to approve the minutes of the January 21, 2022 Board Meeting and March 28, 2022 Special Meeting. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

A motion was made by Dr. Yohe, second by Dr. Ten Broek, to approve the Executive Director 2022 1<sup>st</sup> Quarter Report. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

A motion was made by Dr. Ficek, second by Ms. Mellum, to approve the 2022 1<sup>st</sup> Quarter Financial Reports. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

A motion was made by Dr. Ficek, second by Dr. Yohe, to approve the 2022 1<sup>st</sup> Quarter Checks Written. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

**Licenses:**

A motion was made by Dr. Ficek, second by Dr. Yohe, to ratify the Chiropractic Licenses issued, Certified Chiropractic Clinical Assistant Certifications issued, and Certified Chiropractic Clinical Assistant Certifications renewed. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

**Cases:**

Freedom Chiropractic/Dr. Schmitz - Supreme Court Docket #20210135; Supreme Court Docket #20210273. Mr. Karpinski provided an update on the status of the Open Record/Open Meeting case stating that the Petition for Rehearing had been submitted and was denied. Update only. No action taken.

Dr. Jeffrey Pokorny (#2021-03). The Board received and reviewed the counteroffer to their proposed Settlement Agreement. The Board discussed their options; accepting the counteroffer, making a new offer with new terms, reoffering the original offer. A motion was made by Ms. Mellum, second by Dr. Ten Broek, to reject the counteroffer from Dr. Pokorny and reoffer the original settlement agreement. A roll call vote was taken with Froehling, Ten Broek, Mellum, and Yohe voting in the affirmative. Remmick voting no. Ficek abstaining. Botz absent/not voting. (4-1-1-1) Motion passed.

**New Complaint:**

Dr. Lance Wiegel (#2022-01). Dr. Ten Broek announced a professional conflict and requested to be recused from this case. A motion was made by Dr. Ficek, second by Ms. Mellum, to recuse Dr. Ten Broek from this case. A roll call vote was taken with Froehling, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Ten Broek abstaining. Botz absent/not voting. (5-0-1-1) Motion passed.

A motion was made by Dr. Ficek, second by Dr. Yohe, to move to Executive Session to discuss this complaint. The legal authority for this executive session is N.D.C.C. Section 43-06-15(2) Reports are not public record. A roll call vote was taken with Froehling, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Ten Broek abstaining. Botz absent/not voting. (5-0-1-1) Motion passed. The Executive Session began at 9:06 AM CST. The roll was taken with Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Executive Director Lisa Blanchard and Assistant Attorney General Mr. Carl Karpinski in attendance. The Executive Session was recorded as required by law. The Executive Session was closed at 9:14 AM CST. A motion was made by Dr. Remmick, second by Dr. Yohe, to have our legal counsel proceed as directed in the executive session. A roll call vote was taken with Froehling, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Ten Broek abstaining. Botz absent/not voting. (5-0-1-1) Motion passed.

**Applications:**

Dr. Todd Schlager. The Executive Director informed the Board of status of Dr. Schlager's application. The Board reviewed the appropriate laws/rules regarding the lapsed license and examination requirements. Dr. Schlager sent a letter to Dr. Ficek and Dr. Froehling read the letter to the Board. Discussion regarding the requiring of the SPEC examination was held. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to require Dr. Schlager to take and pass the SPEC examination for licensure in North Dakota. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

**Board Business:**

CE Approval Request. The Executive Director received a CE approval request and was not able to approve independently as it did not meet all criteria in the Rules. A motion was made by Dr. Ficek, second by Dr. Ten Broek, to approve the request for 20 hours of continuing education in this renewal cycle. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Further discussion was held regarding CE approvals that do not meet the criteria in the Rules. A motion was made by Dr. Remmick, second by Dr. Ficek, to create a policy that authorizes the Vice President to review and approve CE approvals that the Executive Director cannot approve. The VP may choose to have full board review on any request. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

AG Open Record/Open Meeting Complaint (April/2021) – Schmitz; AG Open Record/Open Meeting Complaint (May/2021) – Custer; AG Open Record Complaint (December/2021) – Schmitz; AG Open Record Complaint (January 18, 2022) – Schmitz; AG Open Record Complaint (January 31, 2022) – Schmitz. No Attorney General opinions have been received regarding these five complaints. No action taken.

QuickBooks Desktop Upgrade Approval. A motion was made by Dr. Yohe, second by Dr. Ficek, to approve the upgrade (annual subscription vs. 3-year purchase). A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Legislative Changes. The changes Ms. Hicks discussed at the January board meeting will be reviewed and discussed at the July board meeting.

Administrative Rules. No rule changes proposed at this time.

Policy Manual. Earlier in the meeting, the Board added the policy regarding CE approval requests. The Executive Director requested another addition regarding the practice log for temporary licenses issued under the Limited Practice without a License statute. A motion was made by Dr. Ficek, second by Ms. Mellum, to have individuals licensed with this statute provide the practice log on the 1<sup>st</sup> of each month until they exhaust their allotted 30-days of practice. The first log is to be submitted after the first full month the temporary licensed was issued (example: issued March 3<sup>rd</sup> – first log due May 1<sup>st</sup> and then each month after). A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

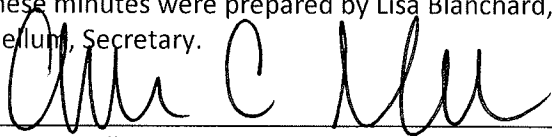
**Per Diem:**

A motion was made by Dr. Ficek, second by Dr. Ten Broek, to pay 1-day Per Diem and appropriate expenses for this meeting. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent/not voting. (6-0-1) Motion passed.

Announcements Made: Dr. Froehling announced that he plans to hold the July 13, 2022 Board Meeting via Zoom. The members indicated they wanted a morning start time. The new tablets, authorized for purchase at the January 2022 board meeting, were distributed to the present board members.

**Adjourn:** A motion was made by Dr. Yohe, second by Dr. Ten Broek, to adjourn the meeting. Motion passed. The meeting ended at approximately 10:00 AM CST.

These minutes were prepared by Lisa Blanchard, Executive Director, for signature by Ms. Christa Mellum, Secretary.

  
Christa Mellum, CCCA Secretary

07-18-22  
Date