



# 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 1, 2022 via Zoom.**

**Call to Order:** Dr. Eric Froehling called the meeting to order at 12:01 PM CST.

**Roll Call:** Those present included Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Assistant Attorney General Ms. Allyson Hicks, and Executive Director Lisa Blanchard. Ms. Botz was absent at the roll call, but joined the meeting at 12:08 PM. Public: There were public attendees on the Zoom.

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

As this was a special meeting, no additions to the agenda were permitted.

### **Agenda:**

#### *New Complaints:*

A motion was made by Dr. Ficek, second by Dr. Ten Broek, to move to Executive Session for the discussion of the New Complaints: Dr. Jeffrey Pokorny (#2022-02); Dr. Matthew Christensen (#2022-03); Dr. Eric Seamands (#2022-04); and Dr. Jeffrey Pokorny (#2022-05). The legal authorities for the Executive Session are N.D.C.C. 43-06-15(2): The reports are not public records; and N.D.C.C. 43-06 14.1(7): All data and information, including patient records acquired by the board or the peer review committee, in the exercise of its duties and functions, are confidential and closed to the public. All board and peer review committee meetings wherein patient testimony or records are taken or reviewed are confidential and closed to the public. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent. Motion passes (6-0-1). The Executive Session began at 12:06 PM CST. The roll was taken with Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Ms. Hicks, and Ms. Blanchard in attendance. *Ms. Botz joined the meeting and the executive session at 12:08 PM.* The Executive Session was recorded as required by law. The Executive Session ended at 12:31 PM CST and the meeting was reopened.

Dr. Jeffrey Pokorny (#2022-02). A motion was made by Dr. Yohe, second by Ms. Botz, to seek a response from Dr. Pokorny as discussed in the executive session. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Yohe, and Botz voting in the affirmative. Ficek recused. Motion passes (6-0-1).

Dr. Matthew Christensen (#2022-03). A motion was made by Dr. Remmick, second by Dr. Ficek, to seek a response from Dr. Christensen as discussed in the executive session. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, Yohe, and Botz voting in the affirmative. Motion passes (7-0).

Dr. Eric Seamands (#2022-04). A motion was made by Dr. Ficek, second by Dr. Yohe, to seek a response from Dr. Seamands as discussed in the executive session. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, Yohe, and Botz voting in the affirmative. Motion passes (7-0).

Dr. Jeffrey Pokorny (#2022-05). A motion was made by Dr. Remmick, second by Dr. Ten Broek, to table this topic until further information from the complainant can be requested and received. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Yohe, and Botz voting in the affirmative. Ficek recused. Motion passes (6-0-1).

*Board Business:*

Wells Fargo Branch Closure. The Executive Director received notice that the WF branch will be closing in Grafton in mid-August. She requested the Board consider closing this account and opening a new checking account with one of the other banks in Grafton. She recommended Bremer Bank or Choice Financial. A motion was made by Dr. Yohe, second by Dr. Remmick, to close the Wells Fargo checking account and open a checking account with Choice Financial. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, Yohe, and Botz voting in the affirmative. Motion passes (7-0).

ND Occupational & Professional Licensing Survey Response. The Department of Commerce has sent out a survey for the Boards and Commissions to complete, like the survey completed in 2020. The Executive Director drafted responses for the Board to review and approve, with the exception of question #24 regarding administrative services. A motion was made by Dr. Ficek, second by Dr. Ten Broek, to approve as drafted including responding “no” to question #24. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, Yohe, and Botz voting in the affirmative. Motion passes (7-0).

*Cases:*

Prior to proceeding to cases, Ms. Hicks addressed the board regarding motions and the minutes of the Board. The request was to have more robust motions so the recorded minutes will have a clearer record of board actions. Information only.

Dr. Jeffrey Pokorny (#2021-03). A motion was made by Dr. Remmick, second by Ms. Botz, to move to Executive Session for the discussion of this case. The legal authorities for this Executive Session are N.D.C.C. 44-04-19.1(2) Attorney Consultation; N.D.C.C. 43-06 14.1(7): All data and information, including patient records acquired by the board or the peer review committee, in the exercise of its duties and functions, are confidential and closed to the public. All board and peer review committee meetings wherein patient testimony or records are taken or reviewed are confidential and closed to the public; and N.D.C.C. 44-04-19.1(9) Negotiation Strategy or Instruction. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Yohe, and Botz voting in the affirmative. Ficek recused. Motion passes (6-0-1). The Executive Session began at 12:46 PM CST. The roll was taken with Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Ms. Botz, Ms. Hicks, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. The Executive Session ended at 1:08 PM CST and the meeting was reopened.

A motion was made by Dr. Remmick, second by Dr. Yohe, to move this case, Dr. Jeffrey Pokorny #2021-03, to litigation. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Yohe, and Botz voting in the affirmative. Ficek recused. Motion passes (6-0-1).

*Dr. Froehling asked if the Board wanted to continue with the remaining agenda items as it was past 1:00 PM. All indicated they could continue.*

Dr. Lance Wiegel (#2022-01). A motion was made by Dr. Ficek, second by Ms. Botz, to move to Executive Session for the discussion of this case. The legal authorities for this Executive Session are N.D.C.C. 44-04-19.1(2) Attorney Consultation; and N.D.C.C. 43-06 14.1(7): All data and information, including patient records acquired by the board or the peer review committee, in the exercise of its duties and functions, are confidential and closed to the public. All board and peer review committee meetings wherein patient testimony or records are taken or reviewed are confidential and closed to the public. A roll call vote was taken with Froehling, Mellum, Ficek, Yohe, and Botz voting in the affirmative. Remmick voting negative. Ten Broek recused. Motion passes (5-1-1). The Executive Session began at 1:13 PM CST. The roll was taken with Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Ms. Botz, Ms. Hicks, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. The Executive Session ended at 1:19 PM CST and the meeting was reopened.

A motion was made by Dr. Remmick, second by Ms. Botz, to offer Dr. Wiegel a settlement agreement regarding the concerns of a potential violation of N.D.A.C. 17-03-01-01(22). This offer will be a conditional dismissal upon completion of 3-hours of Professional Boundary study through an accredited institution for continuing education approved by PACE. A roll call vote was taken with Froehling, Remmick, Ficek, Yohe, and Botz voting in the affirmative. Mellum voting negative. Ten Broek recused. Motion passes (5-1-1).

Per Diem. A motion was made by Dr. Remmick, second by Dr. Ten Broek, to pay a full per diem payment (\$250) for this meeting. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, Yohe, and Botz voting in the affirmative. Motion passes (7-0).

**Adjourn:** A motion was made by Dr. Ficek, second by Ms. Botz, to adjourn the meeting. Motion passed. The meeting ended at approximately 1:23 PM CST.

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

  
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Christa Mellum, Secretary

07-18-22  
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Date