



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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Minutes of the Board Meeting of the North Dakota Board of Chiropractic Examiners held April 12, 2023, via Zoom

Call to Order: Dr. Eric Froehling called the meeting to order at 9:00 AM CST.

Roll Call: Those present included Dr. Froehling, Dr. Ten Broek, Dr. Ficek, Dr. Yohe, Dr. Rokke and Ms. Mellum. Absent: Ms. Botz. Executive Director Lisa Blanchard and Assistant Attorney General Ms. Allyson Hicks were present. Also in attendance was Mark Openshaw, Legislative Intern with the Attorney General's office. Public: There were public attendees present.

Reading of the Mission Statement: Dr. Froehling

Additions to the Agenda:

There were no additions to the agenda. A motion was made by Dr. Ficek, second by Dr. Ten Broek, to approve the agenda as presented. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

Approvals:

A motion was made by Dr. Rokke, second by Dr. Ten Broek, to approve the minutes from the January 20, 2023 Board Meeting. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Dr. Ten Broek, second by Dr. Ficek, to approve the Executive Director 2023 1st Quarter Report. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Ms. Mellum, second by Dr. Yohe, to approve the 2023 1st Quarter Financial Reports. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Ms. Mellum, second by Dr. Ficek, to approve the 2023 1st Quarter Approval of Checks Written. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

Licenses:

A motion was made by Dr. Yohe, second by Dr. Ten Broek, to ratify the chiropractic licenses issued and certified chiropractic clinical assistant certifications issued and renewed. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

Edison Arauz, D.C. The terms of his conditional licensure are ongoing with the first 6-months occurring approximately in May 2023. A motion was made by Dr. Ficek, second by Dr. Ten Broek, to authorize the

President to initiate a reminder communication, if applicable. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

CCCA's that have submitted renewal apps & payment but have not submitted CE. The Executive Director reported on 3 CCCA's that submitted their renewal applications and payments but have not submitted proof of their completed continuing education. The ED has sent emails and physical letters notifying each of them of their current situation. A motion was made by Dr. Ficek, second by Ms. Mellum, to have the ED send another letter to the CCCA and employer (if applicable) with a final notification of the status. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

Reports: No reports

Cases:

Dr. Schmitz - Settlement of Schmitz v. Board of Chiropractic Examiners, Case No. 2020-CV-01829. The agreement was signed by both parties on March 30, 2023. Information/Update only.

Dr. Schmitz v. ND Bd of Chiropractic Examiners, Case No. 08-2022-CV-02783. Ms. Hicks provided an update on the status of this case. Information/Update only.

Dr. Jeffrey Pokorny (#2021-03). Ms. Hicks indicated that we are currently waiting for the hearing date to be scheduled. Information/Update only.

Dr. Jeffrey Pokorny (#2022-02). This case is pending the conclusion of the Peer Review Committee's investigation. Dr. Froehling informed the Board that Dr. Weiss had submitted 10 hours of time and that he had approved. Information/Update only.

Dr. Daniel Pozarnsky (#2022-06). All terms of the conditional dismissal agreement have been met. A motion was made by Dr. Yohe, second by Dr. Ficek, to dismiss this case. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

Dr. Daniel Pozarnsky (#2022-07). The requested response was received on April 11, 2023. The response contained a large volume of records. The Board discussed procedure and determined they will hold a special meeting on May 10, 2023 to discuss the response. Due to the volume of records, the Executive Director will assign each board member a primary file to review and report on at the next meeting. Information only.

Dr. Daniel Pozarnsky (#2022-08). No action was taken as the Board will keep this case open during the pendency of #2022-07. Information only.

Dr. Mason Custer (#2022-09). Dr. Froehling informed the Board that the suspension was lifted per notification from Child Support Enforcement. Information/Update only.

New Complaints. No new complaints for discussion.

Applications: No applications for discussion.

Board Business:

AG Open Record Complaint (December 2021) – Schmitz; AG Open Record Complaint (January 18, 2022) – Schmitz; AG Open Record Complaint (January 31, 2022) – Schmitz. These three are pending opinions from the AG’s office. No action.

2023 Legislative Session/Bills. The Board reviewed the list of bills that have passed and were presented by the Executive Director. Discussed were HB 1221; HB 1528; SB 2124; SB 2232; and SB 2249. Information only. No action was taken.

Website, Technology & Office Equipment Planning:

- Website
 - CE Reporting options. The Executive Director requested permission from the Board to seek a project quote from Albertson’s regarding adding this option to the website/database. The Board instructed the Executive Director to request a quote to present at their next meeting.
- IT/Managed Services
 - Disciplinary Records – Converting to electronic records. The Executive Director requested permission to contact IT providers, locally and those have contracts with other boards, regarding managed services to include options for scanning/saving records electronically. Additionally, other services may include remote logins and email hosting. The Board instructed the Executive Director to request quotes to present at their next meeting.
 - Email. Due to the exemption in HB 1528, there is no longer a requirement for the board. The ED will inquire about email hosting when discussing managed services options.

Administrative Rules. No action needed as the passed legislative bills do not require rule changes. The board will consider discussing it at the next meeting. Update only.

Policy Manual. The Executive Director will now work on the Procedures section of the manual. Additionally, the Executive Director is drafting a Peer Review Policy manual with the assistance of Ms. Hicks. We are anticipating a review at the next meeting. Information only. Information only.

Per Diem.

A motion was made by Dr. Ficek, second by Ms. Mellum, to pay per diem (\$250) for this meeting. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke voting in the affirmative. Botz absent. Motion passes (6-0-1).

Adjourn: A motion was made by Dr. Ficek, second by Dr. Yohe, to adjourn the meeting. Motion passed. The meeting ended at approximately 9:49 AM CST.

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

Signature: Christa Mellum
Christa Mellum (Jul 27, 2023 10:25 CDT)

Email: ndsbce.mellum@gmail.com

07/27/2023

Christa Mellum, Secretary

Date