



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 19, 2024 at 9:01 AM CST via Zoom.

Call to Order: Dr. Sheri Ten Broek called the meeting to order at 9:01 AM CST.

Roll Call: Those present included Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Froehling, Dr. Rokke, and Dr. Askew. Absent: Ms. Botz. Executive Director Lisa Blanchard and Assistant Attorney General Mr. Austin Lafferty were present. Public: There were public attendees present.

Reading of the Mission Statement: Dr. Ten Broek

Additions to the Agenda:

Correction to the agenda. The New Complaint case number for Austin Audette should be #2024-04 instead of #2024-02. A motion was made by Dr. Froehling, second by Dr. Yohe, to approve the agenda as proposed with the correction. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

Approvals:

A motion was made by Dr. Yohe, second by Dr. Rokke, to approve the minutes from the January 19, 2024 Board Meeting, January 24, 2024 Special Meeting, February 28, 2024 Special Meeting, March 6, 2024 Special Meeting with Labor Commissioner, and the March 11, 2024 Special Meeting. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Ms. Mellum, second by Dr. Froehling, to approve the Executive Director 2024 1st Quarter Report. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Ms. Mellum, second by Dr. Askew, to approve the 2024 1st Quarter Financial Reports. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Dr. Yohe, second by Dr. Askew, to approve the 2024 1st Quarter Approval of Checks Written. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

Licenses:

A motion was made by Dr. Yohe, second by Ms. Mellum, to ratify the 2024 1st Quarter chiropractic licenses issued and certified chiropractic clinical assistant licenses issued and renewed. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

Edison Arauz, D.C.: Dr. Arauz signed the amended conditional license agreement offered at the last meeting. No action required. Information/Update only.

Reports:

None

Litigation:

Dr. Schmitz v. ND Bd of Chiropractic Examiners, Settlement Agreement and Release. Mr. Lafferty reported that all parties signed the settlement agreement and that it was approved by the court. The records have been provided to Dr. Schmitz and the Board can consider this item completed and closed. No action required.

Cases:

Dr. Jeffrey Pokorny (#2021-03). The Board received updated information on the pending reimbursement progress. Per the conditional dismissal agreement, it remains open until verification that all accounts are reimbursed is received. No action required. Information/Update only.

Dr. Jeffrey Pokorny (#2022-02). Dr. Pokorny signed the settlement agreement. Payment of the fees is occurring monthly. We have not received a monitoring update or report, but anticipate one for the July board meeting. No action required. Information/Update only.

Dr. Daniel Pozarnsky (#2022-07). Some information was provided by Dr. Pozarnsky's attorney in response to the Board's proposed settlement agreement. A brief discussion was held on the Board's options at this time. Mr. Lafferty advised that the Board should seek a written counteroffer from Dr. Pozarnsky before considering amending the current terms of the agreement. The Board provided instructions to Mr. Lafferty to send a request to Dr. Pozarnsky's attorney requesting a written counteroffer. No action required, instruction 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. Jason Moore (#2023-03). All terms of the conditional dismissal agreement have been completed. A motion was made by Dr. Yohe, second by Dr. Rokke, to dismiss this complaint. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

Dr. Timothy Corrigan (#2023-06). Dr. Corrigan provided a counteroffer to the Board's settlement agreement. A motion was made by Dr. Froehling, second by Dr. Yohe, to accept Dr. Corrigan's request and reissue the Settlement Agreement with the removal of III(8): The terms of this Settlement Agreement apply in any jurisdiction that Dr. Corrigan may practice as a chiropractor. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

Dr. Crystal Long (#2024-01). The response to the complaint was received. Discussion was held on the response and the Board's potential action. A motion was made by Dr. Froehling, second by Ms. Mellum, that Dr. Long be required to pay a \$500.00 civil penalty and within 90-days successfully complete one question each in the Unprofessional Conduct and Boundaries parts of the EBAS

examination for violation of 17-03-01-01(22). A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

Dr. Eric Isaacson (#2024-03). The Board received the requested response and a copy of the police report provided by Dr. Isaacson. All members agreed that the police report dismisses the alcohol related portion of the complaint. Discussion was held on the second portion of the complaint. A motion was made by Dr. Yohe, second by Dr. Askew, to request the patient notes for the date of service referenced in the complaint plus the 3 dates of service just prior to that date. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

New Complaints.

Dr. Paul Bekkum & Dr. Victoria Lau (#2024-02). Two Board members indicated to legal counsel and the Board's Executive Director that they may have conflicts in this case. Mr. Lafferty explained the procedure to the Board.

Dr. Rokke indicated that he is requesting recusal as he has an ongoing doctor/patient/business relationship with the complainant and parties in this complaint. Dr. Rokke self-recused from this matter. A motion was made by Dr. Yohe, second by Dr. Froehling, to affirm the recusal. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, and Askew voting in the affirmative. Botz absent. Rokke abstaining. Motion passes (5-0-1-1).

Ms. Mellum indicated that she had a personal relationship with Dr. Lau approximately 5 years ago due to a shared medical history but has not had recent contact. She also indicated that she is connected to Dr. Lau via social media accounts. She does not believe she has a conflict in this situation, or that recusal was necessary. A motion was made by Dr. Yohe, second by Dr. Askew, to affirm she does not need to recuse from this complaint. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, and Askew voting in the affirmative. Botz absent. Rokke recused. Motion passes (5-0-1-1).

The Board discussed what they would like to request along with the initial response to the complaint. A motion was made and amended by Dr. Yohe, second by Dr. Askew, to request a response to the allegations in the complaint. Additionally, the Board would like the complete patient files, to include all forms, contracts, etc. including the billing records; a copy of the clinic's prepaid care plan policy, and information pertaining to the escrow account for the prepaid care plans. The response should be provided within 30 days. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, and Askew voting in the affirmative. Botz absent. Rokke recused. Motion passes (5-0-1-1).

Dr. Austin Audette (#2024-04). The complaint was received. The Board discussed what they would like to request along with the initial response to the complaint. A motion was made and amended by Dr. Askew, second by Dr. Froehling, to request a response to the allegations in the complaint. Additionally, the Board would like the patient record for the date of service indicated in the complaint, a copy of the initial patient intake information if it is within 3 years of the date of service, and a copy of the x-ray report. The response should be provided within 30 days. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Rokke, and Askew voting in the affirmative. Botz absent. Motion passes (6-0-1).

Applications:

None

Board Business:

2024 Calendar Review. The Board reviewed the upcoming calendar items between now and the next meeting on July 11, 2024. Information only.

Per Diem.

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

Adjourn: A motion was made by Dr. Yohe, second by Dr. Froehling, to adjourn the meeting. Motion passed. The meeting ended at approximately 10:15 AM CST.

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

Signature: Christa Mellum
Christa Mellum (Jul 12, 2024 10:21 CDT)

Email: ndsbce.mellum@gmail.com

07/12/2024

Christa Mellum, Secretary

Date