



# NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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## **Minutes of the Board Retreat/Education of the North Dakota Board of Chiropractic Examiners held July 11, 2024 at 8:30 AM CST at the ND Heritage Center, Bismarck, ND**

**Call to Order:** Dr. Sheri Ten Broek called the meeting to order at 8:32 AM.

**Roll Call:** Those present included Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Froehling, Dr. Rokke, Dr. Askew, and Ms. Botz. Absent: None. Executive Director Lisa Blanchard and Assistant Attorney General Mr. Austin Lafferty were present. Public: There were public attendees present.

**Agenda:** The Executive Director presented educational information following the Policy Manual of the Board, with specifics on the duties of the Executive Director. This was informational only and no action was taken during the retreat.

**The Board Transitioned to the Board Meeting at 10:34 AM.**

## **Minutes of the Board Meeting of the North Dakota Board of Chiropractic Examiners held July 11, 2024 at 10:30 AM CST at the ND Heritage Center, Bismarck, ND**

**Call to Order:** Dr. Sheri Ten Broek called the meeting to order at 10:34 AM CST.

**Roll Call:** Those present included Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Froehling, Dr. Rokke, Dr. Askew, and Ms. Botz. Absent: None. Executive Director Lisa Blanchard and Assistant Attorney General Mr. Austin Lafferty were present. Public: There were public attendees present.

**Pledge of Allegiance.**

**Reading of the Mission Statement:** Dr. Ten Broek

### **Additions to the Agenda:**

There was one addition to the agenda - New Complaint: Dr. Roshau (#2024-08). A motion was made by Dr. Yohe, second by Dr. Froehling, to approve the agenda as amended. A roll call vote with all members voting in the affirmative. Motion passes (7-0).

### **Approvals:**

A motion was made by Dr. Askew, second by Dr. Yohe, to approve the minutes of the April 19, 2024 Board Meeting, May 8, 2024 Special Meeting, and May 29, 2024 Special Meeting. A roll call vote with all members voting in the affirmative. Motion passes (7-0).

A motion was made by Dr. Askew, second by Ms. Mellum, to approve the Executive Director 2024 2<sup>nd</sup> Quarter report. A roll call vote with all members voting in the affirmative. Motion passes (7-0).

A motion was made by Ms. Mellum, second by Dr. Yohe, to approve the 2024 2<sup>nd</sup> Quarter Financial reports. A roll call vote with all members voting in the affirmative. Motion passes (7-0).

A motion was made by Dr. Rokke, second by Dr. Askew, to approve the 2024 2<sup>nd</sup> Quarter Approval of Checks Written. A roll call vote with all members voting in the affirmative. Motion passes (7-0).

**Licenses:**

A motion was made by Dr. Froehling, second by Dr. Yohe, to ratify the 2024 2<sup>nd</sup> quarter chiropractic and certified chiropractic clinical assistant licenses issued. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Edison Arauz, D.C. – Conditional. The amended conditional license agreement was signed on March 6, 2024. KMC University is to provide a report after 6-months of review which would be in September 2024. No action needed. Update only.

**Reports:**

A motion was made by Dr. Yohe, second by Dr. Askew, to accept the FCLB/NBCE Annual Report from Dr. Rokke, the NBCE Part IV Testing Report from Dr. Ten Broek and the NBCE Part IV Test Writing Report from Dr. Rokke. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

**Board Business:**

Policy Manual. The Board reviewed the recommended and proposed changes discussed during the retreat.

- A motion was made by Ms. Mellum, second by Dr. Rokke, to add a special meeting policy to the Board Meetings section of the manual. It will read “The Board will attempt to call a special meeting within 2 weeks of receipt of all new complaints. If a new complaint is received within 30-days of a regular meeting, calling a special meeting is at the discretion of the President on a case-by-case basis.” A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).
- A motion was made by Ms. Mellum, second by Dr. Askew, to retract the board’s previous decision to pursue the state p-card and to just maintain the current credit card. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).
- A motion was made by Dr. Askew, second by Dr. Yohe, to eliminate 100% paper applications for initial licensure and license renewal effective January 1, 2025. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).
- Record Retention schedule. The Executive Director will work AAG Lafferty on the Disciplinary Records schedule and bring a proposal to the Board in October. Information only. No action taken.

Website, Technology & Office Equipment Planning.

- Licensee Dashboard Project. ED Blanchard provided a brief update on the project. The implementation has been delayed due to staff shortages at Albertson’s. The current projected completion date is January 1, 2025. No action taken.
- Office Computer Replacement. No action taken. The Executive Director will bring some additional information to the October meeting including managed service information and costs.

2024 Calendar.

- NBCE Part IV Testing (Nov 2024). Dr. Rokke and Dr. Askew were originally designated to participate. Both had conflicts. Dr. Ten Broek has agreed to go.
- FCLB District Meeting (Oct 2024). Dr. Ten Broek, Dr. Yohe, and ED Blanchard were authorized to attend. With the available budget, one additional board member could attend. A motion was made by Ms. Mellum, second by Dr. Froehling, to approve Dr. Rokke's attendance. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).
- FARB Innovation of Competency Conference (formerly RLS). Mr. Lafferty requested \$500.00 from the Board to attend the conference. This is consistent with what the Board had done in the past with Ms. Hicks. A motion was made by Dr. Rokke, second by Dr. Froehling, to approve the Board's contribution of \$500.00. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

2023/2024 Audit – Authorization to seek Quote. A motion was made by Dr. Askew, second by Ms. Mellum, for the Executive Director to seek a quote from Brady Martz for the 2023/2024 audit. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Administrative Rules. No discussion or proposals at this meeting.

**Cases:**

*Due to timing, the order of the Cases did not follow the order of the agenda. The minutes reflect the order of the meeting.*

Dr. Jeffrey Pokorny (#2021-03). The Board received some updated information on the reimbursement progress. There are now three accounts that are pending. The conditional agreement remains open until verification that all accounts were reimbursed. No action taken. Information/Update only.

Dr. Jeffrey Pokorny (#2022-02). No action was required, but an update was provided. Per the Settlement Agreement, \$5,675 in fines remain, due on September 1<sup>st</sup>. One KMC University monitoring report is also pending.

Dr. Timothy Corrigan (#2023-06). No action was required, but an update was provided. The Settlement Agreement was signed on 06/18/2024. No terms of the agreement have been completed at this time. Two are due within 60-days of the execution of the agreement. KMC monitoring is two reports.

Dr. Eric Isaacson (#2024-03). In discussion at the previous meeting, the Board dismissed the alcohol allegation in the complaint. They had requested patient records from Dr. Isaacson for the second allegation made in the complaint. A motion was made by Dr. Froehling, second by Dr. Yohe, to dismiss this complaint for no violation of law or rule. The dismissal letter will include a statement of concern regarding the documentation provided. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Austin Audette (#2024-04). The Board discussed the complaint and response received. A motion was made by Dr. Yohe, second by Ms. Botz, to dismiss the complaint with no violation of law or rule. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

***The Board recessed for lunch from 11:30 AM – 12:30 PM.***

Dr. Daniel Pozarnsky (#2022-07) & (#2022-08). The Board reviewed and discussed the counteroffer provided by Dr. Pozarnsky. A motion was made by Dr. Froehling, second by Dr. Rokke, to reject Dr.

Pozarnsky's counteroffer. In addition, the Board will reissue their original offer with a few modifications. The Board will reduce the fines per violation to \$500.00/each for a total of \$4,000.00; they will waive the reimbursement of attorney fees; and they will revise the proposed date for the completion of the SPEC examination to completion in 2024. All remaining items in the agreement will remain as originally proposed. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Crystal Long (#2024-01) and (#2024-05). Prior to the Board's discussion, Mr. Lafferty provided some guidance on the ongoing information received. If the Board would be considering the information received from the complainants in these cases since the last meeting, the Board would need to give Dr. Long an opportunity to respond prior to taking any action. If the Board could proceed with decision making without considering the information provided by the complainants, they could proceed with action at this meeting. A lengthy discussion was held on the previous settlement offer (which had never been offered, and the motion authorizing it rescinded, due to a need for further information) and the follow-up response requested and received from Dr. Long. The Board discussed and they do not feel that Dr. Long is a threat to the public, but the violation did occur and that cannot be dismissed. A motion was made by Ms. Botz, second by Dr. Rokke, to offer a Settlement Agreement to Dr. Long for one violation of 17-03-01-01(22). The terms of the agreement will include a \$500 fine payable 30-days from the execution of the agreement; the license will be suspended for two weeks, to start on the date the agreement is executed; and the successful completion of PBI Education's Professional Boundaries (PB-24) within 60-days of the executed agreement. The Board shall receive a post-course report from PBI. A roll call vote was taken with Ten Broek, Froehling, Rokke, Askew, and Botz voting affirmative. Yohe and Mellum voting negative. Motion passes (5-2).

Dr. Paul Bekkum & Dr. Victoria Lau (#2024-02). A reminder that Dr. Rokke is recused was made. The Board discussed the complaint and the responses received. A motion was made by Dr. Froehling, second by Dr. Yohe, to offer Dr. Bekkum a Conditional Dismissal for the violations of 17-03-01-01(1)(c) and 17-03-01-05(1). The terms of the agreement will include a fine of \$1,000.00 (\$500 per violation); successful completion of the EBAS examination to include 2 questions from Boundaries and 1 question from Unprofessional Conduct categories; and completion of the Online Jurisprudence Examination. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Askew, and Botz voting in the affirmative. Rokke recused. Motion passes (6-0-1). A motion was made by Dr. Yohe, second by Dr. Froehling to offer Dr. Lau a Conditional Dismissal for the violations of 17-03-01-01(1)(c) and 17-03-01-05(1). The terms of the agreement will include a fine of \$1,000.00 (\$500 per violation); successful completion of the EBAS examination to include 2 questions from Boundaries and 1 question from Unprofessional Conduct; and completion of the Online Jurisprudence Examination. A roll call vote was taken with Ten Broek, Yohe, Mellum, Froehling, Askew, and Botz voting in the affirmative. Rokke recused. Motion passes (6-0-1).

Dr. William Swanson (#2024-06). The Board reviewed the complaint and Dr. Swanson's response. A discussion was held but the Board would like further information prior to rendering a decision. A motion was made by Dr. Yohe, second by Ms. Botz, to have Mr. Lafferty contact the Hazen police department and request a copy of the police report as indicated in the complaint. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

**New Complaints:**

Dr. Daniel Pozarnsky (#2024-07). The Board reviewed the complaint. A motion was made by Dr. Yohe, second by Ms. Botz, to request Dr. Pozarnsky respond to all the allegations in the complaint. The Board will specifically ask if he has ever taken a mood-altering substance at the time of any patient care. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Brad Roshau (#2024-08). At the announcement of this agenda item, Ms. Mellum indicated that she had a personal relationship with a direct family member of Dr. Roshau when his son job shadowed at her clinic. This occurred approximately 5 years ago and she has not had recent contact with the son. She does not believe she has a conflict in this situation, or that recusal was necessary. A motion was made by Dr. Rokke, 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, Froehling, Rokke, Askew, and Botz voting in the affirmative. Mellum abstaining. Motion passes (6-0-1). The Board discussed the complaint. A motion was made by Dr. Yohe, second by Ms. Botz, to request a response to the complaint. Specific information the Board would like included is documentation on the certification(s) of the assistant indicated in the complaint. Additionally, the Board would like Dr. Roshau to answer whether CCCA's in his clinic perform any examinations or treatment procedures on patients? If so, an explanation should be provided. Last, they would request the previous 5 patient notes for the patient indicated in the complaint. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

**Applications:** No action needed.

**Per Diem.**

July 11, 2024 Board Meeting. A motion was made by Dr. Froehling, second by Dr. Yohe, to pay per diem (\$250) and appropriate expenses for this meeting. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

**Adjourn:** A motion was made by Dr. Yohe, second by Dr. Rokke, to adjourn the meeting. Motion passed. The meeting ended at approximately 2:00 PM CST.

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

**Signature:** Christa Mellum  
Christa Mellum (Oct 13, 2024 15:19 CDT)

**Email:** ndsbce.mellum@gmail.com

10/13/2024

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Christa Mellum, Secretary

Date