



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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Minutes of the Board Meeting of the North Dakota State Board of Chiropractic Examiners held October 11, 2024 via Zoom.

Call to Order: Dr. Sheri Ten Broek called the meeting to order at 9:00 AM CST.

Roll Call: Those present included Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Rokke, Dr. Askew, and Dr. Erickson. 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:

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

Approvals:

A motion was made by Dr. Yohe, second by Ms. Mellum, to approve the minutes of the July 11, 2024 Board Meeting, August 14, 2024 Special Meeting, and September 11, 2024 Special Meeting. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Dr. Yohe, second by Ms. Mellum, to approve the Executive Director 2024 3rd Quarter Report. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Dr. Askew, second by Dr. Yohe, to approve the 2024 3rd Quarter Financial Reports. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

A motion was made by Dr. Rokke, second by Dr. Askew, to approve the 2024 3rd Quarter Approval of Checks Written. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Licenses:

A motion was made by Dr. Yohe, second by Dr. Askew, to ratify the 2024 3rd Quarter chiropractic licenses issued and renewed and the certified chiropractic clinical assistant licenses issued and renewed. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Reports:

A motion was made by Dr. Yohe, second by Dr. Erickson, to accept the FCLB District Meeting reports from Dr. Ten Broek, Dr. Yohe, Dr. Rokke, and ED Blanchard. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Cases:

Dr. Jeffrey Pokorny (#2021-03). Austin provided an update on the status of the reimbursement, but we have not received written confirmation. It is our understanding that all but one account has been finalized. We anticipate a written update soon. No action taken. Information only.

Dr. Jeffrey Pokorny (#2022-02). The second KMC monitoring report is the only term remaining of the agreement. We anticipate this should be received soon based upon our calculations. It will be reviewed when received. No action taken. Information only.

Dr. Daniel Pozarnsky (#2022-07). No new counteroffer was provided in response to the Board's last offer. Austin provided an overview and explanation of litigation for the Board members. The Board discussed the concerns with Dr. Pozarnsky's actions based upon their investigation and that those concerns have not changed. The Board's duty is to protect the public and all members indicated that to do so, they must follow through with discipline. Further discussion was held on what terms the Board would seek in the Prayer for Relief. Based upon the discussion, a motion was presented by Austin and moved by Dr. Rokke, second by Dr. Yohe, as follows: Motion to forward this matter to the Attorney General's Civil Litigation Division to pursue formal disciplinary action against Dr. Daniel Pozarnsky, finding reasonable cause he has committed the following violations:

- 6 violations of N.D.C.C. § 43-06-15(1)(e)
- 126 violations of N.D.C.C. § 43-06-15(1)(l) and N.D.A.C. § 17-03-01-01(3)
- 58 violations of N.D.C.C. § 43-06-15(4)
- 67 violations of N.D.C.C. § 43-06-15(1)(l) and N.D.A.C. § 13-03-01-01(1)
- 12 violations of N.D.C.C. § 43-06-15(1)(l) and N.D.A.C. § 17-03-01-01(19)
- 35 violations of N.D.C.C. § 43-06-15(1)(l) and N.D.A.C. § 17-03-01-01(12)
- 1 violation of N.D.C.C. § 43-06-15(1)(l) and N.D.A.C. § 17-03-01-05

And requesting the Administrative Law Judge

- Assess a \$2,500 administrative fee per category of violation, for a total of \$20,000;
- Assess \$3,500 in the Board's attorney's fees and costs as accumulated to this point;
- Require Dr. Pozarnsky take and pass one essay question from each of the five sections of the Ethics and Boundaries Assessment Service (EBAS) examination, at his own expense;
- Require Dr. Pozarnsky take and pass the Special Purposes Examination for Chiropractic (SPEC) examination, at his own expense;
- Require Dr. Pozarnsky submit to professional monitoring by KMC University consisting of six quarterly reviews consisting of ten charts focusing on the topics of documentation and billing and will be at Dr. Pozarnsky's own expense;
- and requesting attorney's fees and costs.

A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

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

Dr. Timothy Corrigan (#2023-06). A response was received to the Board's last request. The payment for the administrative fine, according to his agreement, was received. Based upon the response, the Board does not believe that Dr. Corrigan is in compliance with the Settlement Agreement regarding the KMC monitoring. A motion was made by Ms. Mellum, second by Dr. Yohe, to send Dr. Corrigan a notice providing him with 30 days to contract with KMC University and provide verification to the Board. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1). The Board may consider taking additional action if Dr. Corrigan does not comply.

Dr. Crystal Long (#2024-01 & #2024-05). The settlement agreement was completed on 09/25/2024. Dr. Long provided the dates for the suspension and the education. No action taken. Information only.

Dr. Paul Bekkum & Dr. Victoria Lau (#2024-02). A written response to the Board's settlement offer has not been received, however Austin has had communication with Dr. Bekkum's attorney. Dr. Lau does not have legal counsel but has indicated to Austin that she will be following Dr. Bekkum's response. From conversation, Austin indicated that they may have concerns with the 30-day requirement to complete the examinations as directed in the settlement offer. A motion was made by Dr. Yohe, second by Dr. Erickson, authorizing Austin to extend to 60 days in negotiation. A roll call vote was taken with Ten Broek, Yohe, Mellum, Askew, and Erickson voting in the affirmative. Botz absent. Rokke recused. Motion passes (5-0-1-1).

Dr. William Swanson (#2024-06). A copy of the BCI investigation report was received. Austin explained the document and information. The matter is closed, and no charges will be filed. Discussion was held on the Board's options and thoughts. A motion was made by Dr. Askew, second by Dr. Yohe, to dismiss the complaint. Austin should include the Board's concerns to Dr. Swanson in the dismissal letter. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1). Austin redacted the exempt information in the BCI report prior to distribution. A motion was made by Dr. Erickson, second by Dr. Rokke, to maintain the redactions of the exempt information if the Board receives an open records request. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Dr. Daniel Pozarnsky (#2024-07). The response to the complaint was received. A motion was made by Dr. Rokke, second by Dr. Yohe, to dismiss the complaint as hearsay. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

A break was taken from 10:18 – 10:25.

Dr. Brad Roshau (#2024-08). This item was tabled at the last meeting so the Board could further review and determine what information or additional questions they had for Dr. Roshau. The Board discussed their thoughts and questions. A motion was made by Dr. Yohe, second by Dr. Askew, to request the following with the response due 30 days after receipt:

- A report showing all items billed by the CCCA from their software from the start of her employment. It appears that she was entered as a provider, therefore a provider report is the request.
- Is Dr. Roshau aware of the ND license status of his CCCA?
- Why are CCCA's entered as providers in the software and signing notes?

- What are the roles and responsibilities of the CCCA's in the office.
- Office procedures – when does a patient see a CCCA or D.C.? Who does the patient history?
- Provide a complete office/patient schedule for April 2024 to include all providers/employees.

A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

New Complaints: None

Applications: None

Board Business:

Website, Technology & Office Equipment Planning

- Update on Licensee Dashboard project. ED Blanchard provided an update on this project. Albertsons are attempting a November 21, 2024 “go live”, but no later than December 31st. No action required. Update only.
- Office Computer Replacement. ED Blanchard is still working on service/cloud options. Based upon the Board’s replacement schedule, she recommended that the Board update the office desktop computer, and any future contract will simply need to work with the Board’s existing equipment. A motion was made by Ms. Mellum, second by Dr. Askew, to purchase a new HP desktop computer for \$2,185.00. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

2023/2024 Audit – Quote Approval. The quote for the audit was received from Brady Martz. The cost will be \$10,000.00. The previous audit was \$9,500.00. The ED anticipates they will schedule the audit for May/June 2025. A motion was made by Dr. Erickson, second by Dr. Askew, to accept the quote. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Calendar Item: May 2025 NBCE Part IV Testing. The nominations for this were sent out earlier last year. A motion was made by Dr. Yohe, second by Dr. Erickson, to send Dr. Yohe and Dr. Askew in May 2025. If either have a conflict with the dates, when released, the Board authorizes the President and ED to contact other members as a replacement. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Administrative Rules. None currently. The Board will consider starting an in-depth review in July 2025.

Policy & Procedure Manuals

- Record Retention – Disciplinary Records. Austin and Lisa did not have an opportunity to discuss this. They will do so and have information ready for January 2025.

Per Diem.

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

Adjourn: A motion was made by Ms. Mellum, second by Dr. Askew, to adjourn the meeting. Motion passed. The meeting ended at approximately 11:28 AM CST.

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

Signature: *Christa Mellum*
Christa Mellum (Jan 20, 2025 12:31 CST)

Email: ndsbce.mellum@gmail.com

01/20/2025

Christa Mellum, Secretary

Date