



# NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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## **Minutes of the Board Meeting of the North Dakota Board of Chiropractic Examiners held January 17, 2025 at 9:00 AM CST at the ND Heritage Center, Bismarck, ND**

**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, Dr. Erickson, 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:**

No additions to the agenda. A motion was made by Dr. Erickson, second by Dr. Askew, to approve the agenda as proposed. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

### **Approvals:**

A motion was made by Ms. Mellum, second by Dr. Yohe, to approve the minutes from the October 11, 2024 Board Meeting and December 11, 2024 Special Meeting. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

A motion was made by Dr. Yohe, second by Ms. Botz, to approve the Executive Director 2024 4<sup>th</sup> Quarter Report. 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 Ms. Mellum, to approve the 2024 4<sup>th</sup> Quarter Financial Reports. 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. Yohe, to approve the 2024 4<sup>th</sup> Quarter Approval of Checks Written. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

### **Licenses:**

A motion was made by Dr. Yohe, second by Dr. Askew, to ratify the 2024 4<sup>th</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).

### **Reports:**

A motion was made by Dr. Rokke, second by Ms. Mellum, to accept the NBCE Part IV Testing Report from Dr. Ten Broek. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

## Cases:

Dr. Jeffrey Pokorny (#2021-03). The Board requested and received some updated information on the reimbursement progress, but there are still two accounts pending. A motion was made by Ms. Mellum, second by Dr. Yohe, to request some documentation or verification from Dr. Pokorny attempting to resolve this case. Specifically, the Board requests the documentation or evidence of the voided claim with Availity. Additionally, they request the letter sent to UHC regarding the request to un-purge the claim and also the response received from UHC when it is received. They are requesting as much information as possible within 30-days and any final information as soon as it is received. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Daniel Pozarnsky (#2022-07). Mr. Lafferty provided an update that this is still in the process of moving forward with litigation. He reminded the Board that this process takes time. No action taken. Information/update only.

Dr. Daniel Pozarnsky (#2022-08). A brief review of this complaint was conducted. After their initial investigation, the Board informally dismissed this complaint, however, held it open with the pendency of #2022-07. No additional incidents have occurred related to this complaint and with #2022-07 being moved to litigation, a motion was made by Dr. Rokke, second by Ms. Mellum, to officially dismiss this complaint. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Timothy Corrigan (#2023-06). Dr. Corrigan provided the Board with a copy of his agreement with KMC University as requested. No action taken as we are waiting for the monitoring reports from KMC University as set up in the board order. No action taken. Information/update only.

Dr. Paul Bakkum & Dr. Victoria Lau (#2024-02). Dr. Bakkum and Dr. Lau signed their conditional dismissal agreements on November 12<sup>th</sup> and November 18<sup>th</sup>. The terms of their agreements included payment of the administrative fee in 30-days and completion of the ND Jurisprudence Examination and EBAS examination within 60-days of the executed agreement. Both licensees have completed the jurisprudence examination requirement. We have not received confirmation of the EBAS examination or payment of the administrative fees. For the remainder of the discussions, each licensee was discussed separately.

Dr. Lau has requested an extension for the completion of the EBAS examination due to a current medical condition. A motion was made by Ms. Mellum, second by Dr. Askew, to grant a 30-day extension to the EBAS requirement. If she requires more than 30-days, she will need to provide a letter from her physician confirming the disability and the time frame in which she can complete the examination. Additionally, the payment of the \$1,000 administrative fine must be made within 10-days of the delivery of the letter. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Bakkum did not provide extension requests. A motion was made by Dr. Yohe, second by Ms. Botz, to send a letter indicating that he must pay the \$1,000 administrative fine within 10-days of the delivery of the letter. Additionally, he must register and provide proof of the registration for the EBAS examination with completion of the examination in 30-days. If he does not meet the deadlines, the Board will consider modifying this from a Conditional Dismissal agreement to a reportable disciplinary action. As the roll was being taken, it was realized that Dr. Rokke was previously recused from this case and should not vote. Dr. Rokke, the Executive Director, the President, and Legal Counsel all missed this error. No

vote was taken and Mr. Lafferty sought confirmation from his office regarding his advice before proceeding.

*The Board moved onto other cases while Mr. Lafferty was waiting for his office to respond.*

Dr. Brad Roshau (#2024-08). The Board tabled this case at their last meeting for further time to review and consider what action they may take. In discussion, it was determined that the Board had the information it needed to act based upon the complaint and no further investigation is needed. A motion was made by Dr. Yohe, second by Ms. Mellum, to offer a Conditional Dismissal agreement for 4 violations of 17-03-01-01(17) and 1 violation of 17-03-01-01(18). The terms of the agreement include repayment of all charges and third-party payors for the services rendered by Trinity Wetch in the amount of \$3,220.00 and the payment of a \$2,500.00 administrative fee. These fees must be paid within 60 days of the executed agreement. For the reimbursements, documentation evidencing the progress of repayment must be provided 30 days from the executed agreement and evidence of completion within 60 days. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Aaron Moos (#2024-09). The Board received the requested response to the complaint from Dr. Moos's attorney. After review and discussion, the Board determined that they did not receive all of the requested items from Dr. Moos in his response. The Board had many additional questions, but those may be answered with the items that were not received. A motion was made by Ms. Mellum, second by Dr. Askew, to send a follow-up letter to Dr. Moos requesting he provide all of the previously requested documentation. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Forrest Sauer (#2024-10). The Board did not receive a response to the complaint as requested. A motion was made by Dr. Rokke, second by Dr. Yohe, to resend the request via certified mail. The Board will allow 30 days to respond, but that Mr. Lafferty should highlight 43-06-15(4). A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dr. Lau/Dr. Bekkum correction. A motion was made by Dr. Yohe, second by Dr. Askew, to rescind the previous vote as it should not have included Dr. Rokke. A roll call vote was taken with Ten Broek, Yohe, Mellum, Askew, Erickson, and Botz voting in the affirmative. Rokke recused. Motion passed (6-0-1). The board members did not feel that Dr. Rokke's previous participation made any substantive changes to their decision.

Dr. Lau. A motion was made by Dr. Askew, second by Dr. Erickson, to grant a 30-day extension to the EBAS requirement. If she requires more than 30 days, she will need to provide a letter from her physician confirming the disability and the time frame in which she can complete the examination. Additionally, the payment of the \$1,000 administrative fine must be made within 10 days of the delivery of the letter. A roll call vote was taken with Ten Broek, Yohe, Mellum, Askew, Erickson, and Botz voting in the affirmative. Rokke recused. Motion passed (6-0-1).

Dr. Bekkum. A motion was made by Dr. Askew, second by Ms. Botz, to send a letter indicating that he must pay the \$1,000 administrative fine within 10 days of the delivery of the letter. Additionally, he must register and provide proof of the registration for the EBAS examination with completion of the examination in 30 days. If he does not meet the deadlines, the Board will consider modifying this from a Conditional Dismissal agreement to a reportable disciplinary action. A roll call vote was taken with Ten Broek, Yohe, Mellum, Askew, Erickson, and Botz voting in the affirmative. Rokke recused. Motion passed (6-0-1).

## **New Complaints. None**

### **Applications:**

CCCA's Rylee Collins, Isabella Jangula, Brianna Leier, and Trinity Wetch. These applicants are all employees of Dr. Roshau. Due to case #2024-08, the Executive Director issued the Temporary Certifications but did not issue the regular licenses as these technically are not routine. A motion was made by Dr. Erickson, second by Dr. Askew, to issue the ND CCCA certifications. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

### **Board Business:**

Legislative Bills. The Board reviewed the bills that have been introduced that have potential to impact the Board. There have been no bills introduced specific to NDCC 43-06. The Board did not take a position on any of the current bills and the Executive Director will continue to monitor.

CHRI – Internal Policy & Procedure Review/Training. The Board's CHRI policy was reviewed and discussed. All members signed updated Acknowledgement Statements of Misuse. As required, the CHRI policy will be reviewed, and training will be completed every 2 years at the January board meeting. A motion was made by Ms. Mellum, second by Dr. Askew, to approve the amended CHRI Policy as presented. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Distribution method of Criminal History Record Check packets/fingerprint cards. This was not discussed as there is a legislative bill that would eliminate this discussion. If the bill does not move forward, the Executive Director will bring this to a later meeting.

Website, Technology & Office Equipment Planning. The Executive Director reported on the computer purchase and the difficulties that occurred. She will continue to review additional service options. Information only. No action.

*The Board recessed for lunch from approximately 12:00 PM – 1:00 PM.*

2025 Calendar. The Board reviewed and determined the 2025 Regular Board Meeting Schedule; NBCE Part IV Testing (November); NBCE Part IV Test Writing (June, Greeley, CO); FCLB Annual Meeting (St. Louis, MO); FCLB District Meeting (Omaha, NE); Board Office Hours & Closures (Holidays). A motion was made by Dr. Askew, second by Dr. Rokke, to approve the 2025 calendar as proposed. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Dues: FCLB. A motion was made by Dr. Erickson, second by Dr. Askew, to pay the FCLB Dues for 2025 for \$1,290.00. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

FCLB/NBCE Voting Delegate and Alternate Delegate. A motion was made by Dr. Rokke, second by Ms. Mellum, to delegate Dr. Ten Broek as the FCLB and NBCE Delegate; Ms. Blanchard as FCLB Alternate Delegate; and Dr. Yohe as the NBCE Alternate Delegate. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Administrative Rules. The Board did not discuss any changes to the Administrative Rules. Each Board member was instructed to complete their own review of the Rules for potential changes. They should submit their proposals to the Executive Director to compile. The Board plans to start this discussion at their July 2025 meeting. No action.

## Manuals

- Policy Manual - Record Retention Schedules. The Board reviewed the Record Retention Policy changes proposed by Ms. Blanchard and Mr. Lafferty for 800304 and 800305. A motion was made by Ms. Mellum, second by Dr. Yohe, to submit the following change requests to 800304 and 800305:

### **800304 – Disciplinary Records**

This series contains all documentation regarding decisions rendered by the board that result in a disciplinary action. Information may include complaint records, ~~patient records, investigative documents,~~ peer review committee information, and final actions taken.

Total Retention: Permanent

### **800305 – Licensee Complaint Records**

This series contains all documentation regarding licensee complaints and the decisions rendered by the board resulting in no disciplinary action taken. Information may include complaint records, ~~patient records, investigative documents,~~ peer review committee information, and final actions taken.

Total Retention: After ~~Action Taken~~ Conditions Met Plus 10 years.

A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

- Procedure & Operations Manual. The Executive Director made a few updates to this manual based upon the changes to payroll outsourcing. A motion was made by Ms. Mellum, second by Dr. Yohe, to approve the updated Procedure & Operations manual. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

Financial: Reserve Accounts. The Treasurer and Executive Director presented their annual transfer recommendations to the Board. Many options were considered, but the recommendation is to transfer the 2024 net income to reserves. A motion was made by Dr. Askew, second by Dr. Erickson to approve the following transfers:

\$1,622.00 to Technology for the Future Devices

\$1,630.00 to Liability Fund

\$10,500.00 to Technology

\$33,248.00 to Litigation

\$33,000.00 to Operating

\$80,000.00 = Total Transfers

A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

*The Executive Director exited the meeting room and the Secretary took over the recording duties.*

Executive Director Employment Agreement & Review. The board members discussed the current salary and will be researching numbers for next year to determine competitive compensation. A motion was made by Dr. Askew, second by Dr. Yohe, to increase the salary by \$5,000 to \$68,000.00. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

*The Executive Director returned to the meeting room and resumed recording duties.*

Payroll Outsourcing. The Executive Director reported that outsourcing the payroll in 2024 was one of the best decisions this board has made. There will be no changes to costs/fees for 2025. It is anticipated that the first fee increase may occur in January 2027. A motion was made by Ms. Mellum, second by Dr.

Yohe, to continue with Legacy CPA in Grafton, ND for the payroll outsourcing in 2025. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

2025 Proposed Budget. The Board reviewed the 2025 Proposed budget. The only change required was to the Salary line item due to the salary increase. That line item was raised to \$73,000 as it covers salary and payroll taxes. A motion was made by Dr. Yohe, second by Ms. Mellum, to approve the 2025 Budget as presented with the amended salary line. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

**Election of Officers.**

A motion was made by Dr. Rokke, second by Dr. Askew, to nominate Dr. Ten Broek for President, Dr. Yohe for Vice President, and Ms. Mellum as Secretary/Treasurer. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

**Per Diem.**

A motion was made by Dr. Yohe, second by Ms. Botz, to pay per diem and appropriate expenses for the meeting. This includes the expenses for an additional night due to the weather conditions if any member opts to stay. A roll call vote was taken all members voting in the affirmative. Motion passes (7-0).

**Adjourn:** A motion was made by Dr. Askew, second by Dr. Rokke, to adjourn the meeting. Motion passed. The meeting ended at approximately 2:03 PM CST.

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

**Signature:** Christa Mellum  
Christa Mellum (Apr 8, 2025 09:23 CDT)

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

04/08/2025

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Christa Mellum, Secretary

Date