



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

P.O. Box 185 · Grafton, ND 58237

Phone: (701) 213-0476 · Fax: (855) 450-2153 · Email: contact@ndsbce.org · Web: www.ndsbce.org

Minutes of the Special Meeting of the North Dakota State Board of Chiropractic Examiners held March 12, 2025 via Zoom.

Call to Order: Dr. Sheri Ten Broek called the meeting to order at 12:00 PM CST.

Roll Call: Those present included Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Rokke, Dr. Askew, Dr. Erickson, and Ms. Botz. Also present were Executive Director Lisa Blanchard and AAG Austin Lafferty. Public: There were public attendees present.

Reading of the Mission Statement: Dr. Ten Broek

As this was a special meeting, no additions to the agenda were permitted.

As there was a higher volume of public attendees, Dr. Ten Broek did announce that all public attendees would be muted.

Cases:

Dr. Mason Custer (#2025-01). The Board discussed the complaint received and allegations included in the complaint. Legal counsel cautioned that consideration of the anonymous allegations included with the complaint should not be considered. A lengthy discussion was held on what the Board would like included with the response to the complaint. A motion was made by Dr. Yohe, second by Ms. Mellum, to request a general response to the complaint addressing the allegations sent by certified mail with a March 31, 2025, deadline to respond. In addition to a general response to the allegations is the complaint, the Board requests the following information from Dr. Custer:

- The complete patient file for the patient who filed the Complaint which includes: intake forms, exam forms, patient notes, financial forms, HIPAA forms, any billings (charges, insurance payments, patient payments, write offs), copies of the full schedule the days the patient was treated, any signed contracts, escrow account information for any pre-paid plans with FDIC insurance bank information on all deposits and reimbursements out of the pre-paid escrow account for the last year, list of all charges for all procedures performed in office.
- A copy of the office's policy on reimbursement.
- A copy of all HIPAA information given to new patients, as well as copies of authorization forms for any photos put on social media.
- The documentation regarding any neurological training Dr. Custer may have, as stated in the communications with the patient.
- Any documentation that shows the patient was told the amount they would be charged before the charge was applied.
- Copies of any communications currently in Dr. Custer's possession (including but not limited to email, text, instant message, social media conversation) between Dr. Custer and the patient.
- A response to the question: Does Dr. Custer believe it is appropriate for a medical professional to comment on a patient's looks or appearance?
- A response to: When terminating the doctor-patient relationship, does Dr. Custer follow proper procedure regarding patient abandonment? Additionally, provide any written policies your office has related to patient abandonment.

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

Dr. Mason Custer (#2025-03). The Board discussed the complaint and allegations made. A discussion was held regarding the information the Board would like included with the general response to the complaint. A motion was made by Dr. Rokke, second by Dr. Askew, to request a general response to the complaint addressing the allegations sent by certified mail with a March 31, 2025, deadline to respond. In addition to a general response to the allegations is the complaint, the Board requests Dr. Custer specifically address the following:

- Explain the intentions behind the statement "I have receipts of the nearly \$2000 I wrote off between your mom and brother."
- Provide copies of HIPAA releases for the patients (mom and brother) referenced in the communications with the complainant.
- Explain the meaning behind the statement "you should know exactly what it means."

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

Dr. Mason Custer (#2025-02). The Board discussed the complaint received and allegations included in the complaint. As with the previous two complaints, the Board discussed what they would like Dr. Custer to specifically address or provide along with the general response to the complaint. A motion was made by Dr. Yohe, second by Dr. Askew, to request a general response to the complaint addressing the allegations sent by certified mail with a March 31, 2025, deadline to respond. In addition to a general response to the allegations is the complaint, the Board requests the following information from Dr. Custer:

- Copies of fee schedules for any services offered by the clinic.
- Copies of any release forms given to patients relating to photos and posting on social media.
- A copy of the clinic's HIPAA policy.
- Copies of all completed HIPAA forms for patients whose picture or other information is posted to social media.
- A response to: What date were the cameras installed inside the office?
- Copies of any release forms relating to the cameras installed in the office.
- Copies of all marketing records for the past six (6) months.
- A copy of the pre-payment plan policies that patients sign, and related bank account information. Also, provide signed copies of any pre-payment plans.
- A response to: What discounts does Dr. Custer's office offer to patients or potential patients? Providing copies of any discount policy offered by your clinic.
- Provide an explanation or address the communications included as exhibits to the complaint.
- Provide support or documentation in support of your advertising claim that you are the "#1 chiropractor in western North Dakota."

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

There was a question relating to potential harassment or contact with the complainants that was relevant to all three complaints discussed. Legal counsel advised that the Board could not contact the complainants advising them. He indicated that the Board could emphasize the current standard statement included in all requests for responses to complaints sent to licensees, to include the specific reference to the Administrative Code 17-03-01-01(2). The Board instructed Mr. Lafferty to do this.

Applications.

CCCA Amber Shea. Ms. Shea previously held a ND CCCA license. It lapsed effective March 1, 2023 for failure to renew. She recently requested information on the lack of communication for renewal of her license. The Executive Director shared the information with Ms. Shea and indicated that she would need to submit a new application for the Board's review. Ms. Shea promptly provided a new application, and

it is on the agenda for review. As the license has been lapsed for 2 years and there is an appearance that the applicant has potentially been practicing as a CCCA during that timeframe, a motion was made by Ms. Mellum, second by Dr. Erickson, to require Ms. Shea complete a new background check, pay the renewal fees that were missed (total \$100.00) and to complete or provide verification of the continuing education that would have been required (6 hours). A roll call vote was taken with all members voting in the affirmative (7-0). Motion passed. The Executive Director can issue a Temporary Certification consistent with all new applicants. The Board will review this again at the April 4, 2025 board meeting.

Per Diem. A motion was made by Dr. Yohe, second by Dr. Askew, to pay a per diem payment (\$250) for this meeting. A roll call vote was taken with all members voting in the affirmative (7-0). Motion passed.

Adjourn: A motion was made by Dr. Askew, second by Ms. Mellum, to adjourn the meeting. Motion passed. The meeting ended at approximately 1:06 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 09:29 CDT)

Email: ndsbce.mellum@gmail.com

04/08/2025

Christa Mellum, Secretary

Date