



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 4, 2025 at 9:00 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. 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:

No additions to the agenda. A motion was made by Ms. Mellum, second by Dr. Erickson, 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. Rokke, second by Ms. Mellum, to approve the minutes from the January 17, 2025 Board Meeting, January 29, 2025 Special Meeting, and March 12, 2025 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. Erickson, second by Dr. Yohe, to approve the Executive Director 2025 1st 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. Yohe, second by Ms. Mellum, to approve the 2025 1st 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 Ms. Mellum, second by Dr. Erickson, to approve the 2025 1st 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. Erickson, to ratify the 2025 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, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Reports: None

President Ten Broek indicated that she would be rearranging the order of the cases. The minutes reflect the order that the items were discussed.

Cases:

Dr. Mason Custer (#2025-01). Dr. Custer's response was received as requested. Dr. Custer's response was "no comment". The Board discussed the information contained in the complaint and the lack of response received. A consensus was reached that Dr. Custer did provide the Board with a response even though it contained no information. Further discussion was held on how the Board will proceed. For this complaint, the Board finds reasonable cause for 8 violations: NDCC 43-06-15(4); NDCC 43-06-15(1)(e); NDAC 17-03-01-01(1)(c); NDAC 17-03-01-01(3); NDAC 17-03-01-01(13); NDAC 17-03-01-01(20)(b); NDAC 17-03-01-01(22); and NDAC 17-03-01-05.

Dr. Mason Custer (#2025-02). Dr. Custer's response was received as requested. Dr. Custer's response was "no comment". The Board discussed the information contained in the complaint and the lack of response received. A consensus was reached that Dr. Custer did provide the Board with a response even though it contained no information. Further discussion was held on how the Board will proceed. For this complaint, the Board finds reasonable cause for 6 violations: NDCC 43-06-15(4); NDAC 17-03-01-01(13); NDAC 17-03-01-01(14); NDAC 17-03-01-01(20)(d); NDAC 17-03-01-01(22); and NDAC 17-03-01-05.

Dr. Mason Custer (#2025-03). Dr. Custer's response was received as requested. Dr. Custer's response was "no comment". The Board discussed the information contained in the complaint and the lack of response received. A consensus was reached that Dr. Custer did provide the Board with a response even though it contained no information. Further discussion was held on how the Board will proceed. For this complaint, the Board finds reasonable cause for 2 violations: NDCC 43-06-15(4); NDAC 17-03-01-01(13).

A motion was made by Dr. Yohe, second by Dr. Askew, to offer a settlement agreement to Dr. Custer for the 16 violations identified in Cases #2025-01, #2025-02, and #2025-03. The terms of the agreement include:

- Successful completion of 1 question for each of the 5 parts (Fraud, Boundaries, Substance Abuse, Unprofessional Conduct, and Professional Standards) of the EBAS Assessment at his cost. Proof of scheduling must be completed within 30-days with the assessment completed within 180-days of the execution of the agreement.
- Successful complete of 3 PBI Education courses including the ARI letter at his cost. The 3 courses include CC-30 Elevating Civility and Communication in Health Care; ME-22 Medical Ethics and Professionalism; and PB-24 Professional Boundaries. Completion of these courses will not count towards Dr. Custer's annual continuing education requirement. Proof of scheduling must be completed within 30-days with the assessment completed within 180-days of the execution of the agreement.
- 2 reviews by KMC University at his cost.
- A civil penalty of \$500.00 per violation for a total penalty of \$8,000.00. Full payment must be made within 30-days of the executed agreement or Dr. Custer must contact the Board with a payment plan option. The Board authorizes the President to negotiate and approve the terms of a payment plan.

After further discussion, the above motion was rescinded by Dr. Yohe and Dr. Askew.

A new motion was made by Dr. Rokke, second by Dr. Askew, to offer a settlement agreement to Dr. Custer for 16 violations identified in Cases #2025-01, #2025-02, and #2025-03. The terms of the agreement include:

- Successful completion of 1 question for each of the 5 parts (Fraud, Boundaries, Substance Abuse, Unprofessional Conduct, and Professional Standards) of the EBAS Assessment at his cost. Proof of scheduling must be completed within 30-days with the assessment completed within 180-days of the execution of the agreement.
- Successful complete of 3 PBI Education courses including the ARI letter at his cost. The 3 courses include CC-30 Elevating Civility and Communication in Health Care; ME-22 Medical Ethics and Professionalism; and PB-24 Professional Boundaries. Completion of these courses will not count towards Dr. Custer's annual continuing education requirement. Proof of scheduling must be completed within 30-days with the assessment completed within 180-days of the execution of the agreement.
- Two 90-day monitoring and reviews by KMC University at his cost. To include 10 patient charts.
- A civil penalty of \$1,000.00 for 3 violations of NDCC 43-06-15(4) and \$500.00 for the remaining 13 violations for a total penalty of \$9,500.00. Full payment must be made within 30-days of the executed agreement or Dr. Custer must contact the Board with a payment plan option. The Board authorizes the President to negotiate and approve the terms of a payment plan.

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 took a short break from approx. 10:20 – 10:27 AM.

Dr. Jeffrey Pokorny (#2021-03). Dr. Pokorny provided the Board with the evidence of the voided claim with Availity and a copy of the letter sent to UHC regarding the request to un-purge the claim. No additional documentation has been received regarding the UHC claim. The Board discussed and felt that Dr. Pokorny has met the terms of the conditional dismissal agreement with the above information. A motion was made by Dr. Yohe, second by Dr. Askew to dismiss this case per the terms of the conditional dismissal agreement. 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 (#2022-07). Mr. Lafferty provided an update that this is still in the process of moving forward with litigation. He apologized as his office is behind due to the legislative session and staff shortages in the civil litigation department. No action taken. Information/update only.

Dr. Timothy Corrigan (#2023-06). 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 (#2024-02). Dr. Bakkum successfully completed the PBI Medical Ethics and Professionalism course. All terms of the amended conditional dismissal agreement have been met. A motion was made by Ms. Mellum, second by Dr. Erickson, to dismiss this case. 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. Victoria Lau (#2024-02). Dr. Lau was sent a letter requesting a response to her non-compliance. A response was received. Our request indicated that she would need to provide a letter from her physician and that has not been received. The Executive Director sent a follow-up to Dr. Lau indicating this, but no

further information has been received. No terms of her conditional dismissal have been met. A motion was made by Dr. Erickson, second by Ms. Mellum, to have Austin send a letter to Dr. Lau regarding the agreement and compliance. Voluntary surrender of her license would be an option if she agrees. 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. Brad Roshau (#2024-08). All terms of the conditional dismissal agreement have been met. Dr. Roshau has paid the civil penalty and provided copies of the checks for the reimbursements. A motion was made by Dr. Askew, second by Ms. Mellum, to dismiss this complaint per the terms of the conditional dismissal agreement. 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. Aaron Moos (#2024-09). The Board received the information that was not originally provided from Dr. Moos. A discussion was held with some members finding possible violations and some members finding no violations. Many do not necessarily agree with the business methods, but that Dr. Moos's paperwork as provided contained the necessary signatures and initials that the patient was informed. A motion was made by Ms. Mellum, second by Dr. Yohe, to dismiss this complaint. A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, and Erickson voting in the affirmative. Askew voting No. Botz absent. Motion passes (5-1-1).

Dr. Forrest Sauer (#2024-10). The Board received a response from Dr. Sauer's to their second request. Discussion was held on possible violations which the Board determined would be a violation of NDCC 43-65. This law was enacted in 2023 and it is possible that Dr. Sauer was not aware. A motion was made and rescinded by Dr. Rokke to offer a \$500.00 conditional dismissal for 1 violation of NDCC 43-65. After further discussion, a motion was made by Ms. Mellum, second by Dr. Yohe, to dismiss this complaint. In the dismissal letter, Austin will provide the information regarding NDCC 43-65 indicating the Dr. Sauer should discuss with his private attorney for guidance moving forward. 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.

Dr. Matthew Christenson (#2025-04). A new complaint was received. Dr. Yohe provided information that he may have a potential conflict. The Board discussed with no motions made to recuse Dr. Yohe. After discussion of the complaint, a motion was made by Dr. Rokke, second by Dr. Erickson, to request a response to the complaint. In addition to the response, Dr. Christenson should also provide a complete patient file to include patient notes, reports, and patient billing; information regarding his marketing; a copy of his pre-payment policy, escrow, and any contracts; and the credentials of any individual that saw the patient other than Dr. Christenson. 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).

Applications:

CCCA Amber Shea. The Executive Director indicated that Ms. Shea had provided the required information and that the temporary certification had been issued this morning. Information only/No action required.

Board Business:

Legislative Bills. The Executive Director listed the bills that have passed at this point. No further discussions were held. The Board will review at the July meeting. Information only.

QuickBooks Annual Subscription Rate. The Executive Director shared that their subscription notice included a \$300 increase. The Board will continue with this software for this year (paying the increase), but research other options for the future. Information only/No action taken.

CHRI Distribution Method. The Executive Director explained how she currently provides the Criminal History Record Check information to each applicant. She indicated that other Boards have the information directly on their websites. She proposes that emailing the applicant directly would be her preference. A motion was made by Dr. Yohe, second by Ms. Mellum, to authorize the Executive Director to seek approval from the BCI for an alternate distribution method. 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).

IANM Letter. A letter from IANM was received and distributed to the Board. It is the Executive Director's understanding that this was distributed to all states. Information only/No action taken or required.

Administrative Rules. The Executive Director reminded the Board of their homework prior to the July meeting. Information/reminder only.

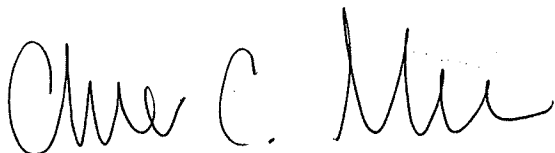
Policy and Procedure & Operations Manuals. No changes – this is included on all regular meeting agendas in case edits or additions are made.

Per Diem.

A motion was made by Dr. Yohe, second by Dr. Askew, to pay per diem for the 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 11:50 AM CST.

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



Christa Mellum, Secretary

08/11/25

Date