



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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Minutes of the Special Meeting of the North Dakota State Board of Chiropractic Examiners held May 28, 2025 via Zoom.

Call to Order: Dr. Sheri Ten Broek called the meeting to order at 12:01 PM CST.

Roll Call: Those present included Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Rokke, Dr. Askew, and Dr. Erickson (joined at 12:07). Absent: 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.

Cases:

Dr. Mason Custer (#2025-01), (#2025-02), and (#2025-03). The Board had offered Dr. Custer a Settlement Agreement for these 3 complaints. The response to the Board's offer was due on May 12th. No response was received. Mr. Lafferty provided the Board with their options from resending the offer to moving the case to litigation. Discussion was held on litigation and what that would include and the process. Additional discussion was held on the terms of the relief to be sought by the Board. A motion was made by Ms. Mellum, second by Dr. Askew, to move these cases to litigation. In addition to the terms included in the Settlement Offer, the Board is also seeking a 1-year suspension followed by a 1-year probation. During the probationary period, Dr. Custer must complete the terms of the settlement agreement that could not be completed during the suspension. Last, they will request reimbursement of attorney 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. Matthew Christenson (#2025-04). The response to the complaint was received. Included in the response was the FCLB exam information for 3 assistants. A search of the board records indicate these three individuals do not hold ND CCCA licenses. Discussion was held on those violations. The discussion also moved to additional questions regarding the modalities and treatment plans utilized. A motion was made by Dr. Rokke, second by Dr. Askew, to seek additional information from Dr. Christenson. Specifically, the Board would like to know what services were provided by the unlicensed individuals. They are also requesting written evidence regarding the accredited programs that are teaching the modalities/treatment plans at issue. 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. Mason Custer (#2025-05). The Board received a Child Support Enforcement suspension notice with an effective date of May 9, 2025. The Board's Order for Suspending License was signed on May 13, 2025 and sent USPS certified mail. Per the tracking information, it has not be delivered/received. It will be returned to the Attorney General's office on May 31, 2025 if not delivered. A motion was made by Dr. Yohe, second by Dr. Rokke, to authorize the Attorney General's office to coordinate with Stark County to have them serve the order if it is returned to their office. 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:

Healthways (#2025-06). A complaint was received listing a clinic/facility only. Clarification was sought from the complainant, but no new information on the actual provider was received. This clinic is a multi-disciplinary clinic. A motion was made by Dr. Erickson, second by Dr. Yohe, to request a response to the complaint. They will be asked to identify the provider. If the provider was a license chiropractor they are asked to also provide the complete patient file for the patient. This 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, and a list of all charges for all procedures performed in the office. Additionally, information on the complainant's insurance, dates billed, and related documentation. 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).

Anonymous. The Board received an anonymous complaint which was reviewed. ND Law requires all complaints to be signed. A motion was made by Dr. Yohe, second by Dr. Rokke, to dismiss this complaint as it was anonymous. 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. Mason Custer (#2025-07). A new complaint was received. Discussion was held on whether this complaint is separate or would be included with the other existing complaints (that were moved to litigation). It was advised that the Board will proceed with this complaint separately. A motion was made by Dr. Yohe, second by Dr. Askew, to seek a response to the complaint. Included with the response the Board is asking for the complete patient file for the patient. This 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, and a list of all charges for all procedures performed in the office. Additionally, the Board would like additional context and the intent regarding asking the patient about "kissing a chiropractor or medical provider". Last, they would like him to explain why he is not following normal protocol for supplying patient records. 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. Brad Roshau (#2025-08). 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 6 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. Askew, second by Dr. Erickson, to affirm she does not need to recuse from this complaint. A roll call vote was taken with Ten Broek, Yohe, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Mellum abstaining. Motion passes (5-0-1-1). The Board discussed the complaint. A motion was made by Ms. Mellum, second by Dr. Rokke, to request a response to the complaint including:

- What services the office provides.
- Documentation or other evidence the modality is "unique" and "totally different" than any other chiropractor in North Dakota.
- The complete patient file for the patient who filed the Complaint.
 - This should include 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; written evidence regarding the accredited programs that are teaching hyperbaric services for this modality, and its potential for success.

Additionally he should address the following questions:

- What additional medical qualifications and licensure do you hold for HBOT, and if so, please provide copies of the relevant documentation.
- Did you intentionally misadjust or skip adjustments with this patient?
- What is the reason this patient did not receive the care she was asking for? (Specifically, hyperbaric services)
- Is there a pre-evaluation for hyperbaric treatment? If so, what does it include?

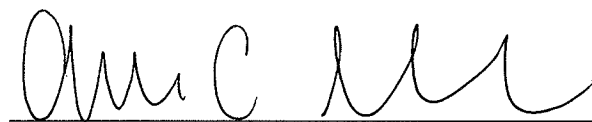
A roll call vote was taken with Ten Broek, Yohe, Mellum, Rokke, Askew, and Erickson voting in the affirmative. Botz absent. Motion passes (6-0-1).

Board Meeting Calendar. The Executive Director had received requests to hold the July 23rd board meeting at the Capitol. The Capitol is not available on the meeting date. The Board discussed and will hold the July 23, 2025 board meeting via Zoom and meet in person for the October 2025 board meeting. The October date may change to coordinate with the annual Attorney General's office board training when that date is announced. Information only.

Per Diem. A motion was made by Dr. Erickson, second by Dr. Askew, to pay a per diem payment (\$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 Dr. Askew, second by Dr. Yohe, to adjourn the meeting. Motion passed. The meeting ended at approximately 1:08 PM CST.

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



Christa Mellum, Secretary



Date