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- Owner of Freedom Chiropractic Health Center in Fargo
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Chairman Larson, Senators of the Industry and Business Committee,

Hello and thank you for the opportunity to speak to you today. My name is Dr. Jake Schmitz, and I am here today representing myself as a licensed chiropractor in the state of North Dakota (ND). I have been a practicing chiropractor in Fargo for around 11 years.

I am testifying today in favor of HB 1517. This bill allows for transparency with how the chiropractic board operates, in the spirit of ND open meeting/record laws. The intent of the Open Meeting/Record laws, implemented by the legislature, is for increased transparency by state agencies when they are conducting board business. Section 44-04 has exceptions for when it is appropriate to go to executive session by boards (attorney consultation, negotiation strategies, etc.) This bill still fits within the existing framework of 44-04 by allowing the chiropractor whose license is on the line to sit in on the meetings. If the chiropractic board wants to exclude the chiropractor, they will need to give a legal reason for doing so within the parameters of 44-04-19.1.

Let me explain the process for how the ND state chiropractic board handles new complaints against license holders. The complaint gets sent to all board members, who first discuss it at the next available open meeting. Instead of having the conversation in the open, as is required by law, they go to executive session to discuss the complaint. They do not even allow the person whom the complaint is about to be in the executive session if requested. Once they come back into open session, they give no information or summary about what discussion transpired in the executive session, instead saying “proceed as discussed in executive session”.

The board asks for a written response to a set of questions sent out through the mail, and once received, their next meeting they go back into executive session to discuss the answers. At no point does the chiropractor get to know what is happening, what is being discussed, and what, if any, are the concerns. Then a letter is sent with their decision (dismissal of complaint, punishment,

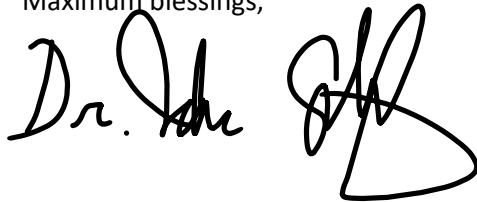
fees/fines/education, etc.) There's no back and forth, no discussion, no understanding, no real due process, or opportunity to face your accuser.

This last year alone the board had 13 meetings and went to 22 executive sessions accounting for roughly 5.4 hours of cumulative time. This bill won't necessarily stop them from going to executive session, but it will at least allow the chiropractor in question to be able to sit in and listen to what is being said. That alone would increase the likelihood of the chiropractor understanding what the board is concerned with and learning from the situation. Without that transparency, how can any chiropractor know what is expected?

In the interest of public transparency for state agencies, I hope you vote a DO PASS on HB 1517 in protection of Open Meeting Laws.

Thank you for your time. I greatly appreciate the opportunity to speak here today. I will welcome any questions you may have.

Maximum blessings,

A handwritten signature in black ink, appearing to read "Dr. Jake Schmitz". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.

Dr. Jake Schmitz