

Minutes of the June 7, 2023 Board of Chiropractic Meeting

1. ROLL CALL

Dr. Scott Misek, Chairperson, called the meeting of the Board of Chiropractic to order at 9:06a.m. on June 7, 2023, in the Goldenrod Conference Room at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS website at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on May 30, 2023.

Misek announced that this is an open meeting, and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

Dr. Scott Misek, Chair
Dr. Heather Henrichs, Vice-Chair
Dr. Brian Stevens, Secretary
David Henske, Public Member

Staff Present:

Claire Covert-ByBee, Program Manager
Amy Blinston, Health Licensing Coordinator
T.J. O'Neill, Assistant Attorney General
Danielle Sund, DHHS Legal Counsel

2. ADOPTION OF AGENDA

MOTION: Henrichs moved, seconded by Henske, to adopt the agenda. Voting aye: Henske, Misek, Henrichs, and Stevens. Voting nay: none. Motion carried.

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the May 16, 2023, Meeting Minutes on May 22, 2023. Members Stevens, Henske, and Misek, voted to approve the minutes as written. Henrichs abstained. The minutes were approved.

The Board reaffirmed the mail ballot approving Dr. Joel Engler to serve as practice monitor for Dr. Jeff Hoover. Voting to approve: Stevens, Henske, Henrichs. Voting to defer for discussion: Misek. The practice monitor was approved by a quorum of votes on May 30, 2023.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Henrichs moved, seconded by Henske, to move into closed session at 9:08a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Henske, Stevens, Henrichs, and Misek. Voting nay: none. Motion carried.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned to open session 9:14a.m. and did not make any recommendations.

6. REGULATION DRAFTING

The Board tabled the discussion to have sub-committee members Stevens and Henrichs draft proposed language for unprofessional conduct. Covert-ByBee will provide the sub-committee with example language from the Occupational and Physical Therapy regulations as well as the Uniform Credentialing Act.

7. NBCE UPDATE

Henrichs indicated NBCE is almost completely phased to the new model of the Part IV examination. They are investigating a new update in an effort to make the test more adaptive, and another pilot is being considered. Nebraska requires successful completion of part IV or the SPEC exam as proof of competency.

8. FCLB UPDATE

Henrichs and Misek attended the FCLB Annual Educational Congress. Henrichs also participated in a new Board member training as she was elected the District 1 Director during the conference. Henrichs advised reporting discipline to the FCLB through CIN-BAD was discussed. Some jurisdictions may not be up to date with reporting disciplinary actions. Henrichs further advised that the FCLB is working on guidelines for specialty practice.

9. UPDATE ON LICENSURE DATABASE

Covert-ByBee stated that the Department has officially signed a contract to begin stabilization of the licensure database. The project is to be completed within 18 months. The Department will submit an RFP for the second phase, which will expand services and functionality of the database. Covert-ByBee will share more information as the project moves forward.

10. EXECUTIVE ORDER 22-08

Covert-ByBee advised that Executive Order 22-08 expires June 30, 2023. The Department prepared a guidance document regarding the expiration of the Health Care Workforce Executive Orders. <https://dhhs.ne.gov/Documents/ExecutiveOrdersExpiringGuidance.pdf>

11. LEGISLATIVE UPDATE

Covert-ByBee presented the Board with information regarding the following legislative bills: LB227 and LB547. These bills may be viewed on the Nebraska Legislature website: <https://nebraskalegislature.gov>.

12. APPLICATION PROCESSING REPORT

Blinston stated this report is for informational purposes only.

12. TOPICS FOR NEXT MEETING

Topics identified for the next meeting include: Regulation Drafting- Unprofessional Conduct, APR, NBCE and FCLB Updates, and Licensure Database Update.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 10:11a.m.

Respectfully submitted,

Dr. Brian Stevens, Secretary