

Minutes of the April 5, 2023  
Board of Chiropractic Meeting

**1. ROLL CALL**

Dr. Scott Misek, Chairperson, called the meeting of the Board of Chiropractic to order at 9:01a.m. on Wednesday, April 5, 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 March 21, 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  
Jeanne Burke, Assistant Attorney General  
Teresa Hampton, DHHS Legal Counsel  
Danielle Sund, DHHS Legal Counsel  
Shanerika Flemings, DHHS Counsel  
Pat Lemke, DHHS Investigations  
Anna Harrison, Compliance Monitor

**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 February 8, 2023, Meeting Minutes on February 13, 2023. Members Henrichs, Stevens, Henske, and Misek, voted to approve the minutes as written. The minutes were approved.

#### **4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Henske moved, seconded by Henrichs, to move into closed session at 9:03 a.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 at 10:08 a.m.

**Motion:** Henrichs moved, seconded by Henske, to recommend denial of the application of Dr. Ole J. Olson, due to misrepresenting material facts and having discipline in another jurisdiction. Voting aye: Henske, Stevens, Henrichs, and Misek. Voting nay: none. Motion carried.

**Motion:** Henske moved, seconded by Henrichs to table making a recommendation on the application for reinstatement of Dr. James Dickey pending further information. Voting aye: Henske, Stevens, Henrichs, and Misek. Voting nay: none. Motion carried.

#### **6. REGULATION DRAFTING**

The CE Subcommittee submitted draft language for the continuing education portion of 172 NAC 29. The draft is available here:

<https://dhhs.ne.gov/licensure/Open%20Meeting%20Act%20Docs/6.%20172%20NAC%2029%20CE%20Subcommittee%20Draft%20Proposal.pdf>.

Covert-ByBee stated she would incorporate the language into the chapter of regulations draft and provide a complete draft copy at the next meeting.

#### **7. IMPACT OF CHIROPRACTIC COLLEGE PROGRAM IN NEBRASKA**

Henrichs advised that Bellevue University will be housing a chiropractic program based in California. The Board discussed the potential impact of having this program in Nebraska. Covert-ByBee advised that the instructors need to be licensed in Nebraska.

#### **8. EXECUTIVE ORDERS**

Covert-ByBee stated that Executive Order 22-08 continues to be in effect through June 30, 2023. This EO does not impact the requirements to obtain CE for the purposes of renewal or reinstatement. There is no lifting of the limitations placed on home study CE. However, licensees will continue to have the option to select a waiver for circumstances beyond their control that lasted 30 continuous days or longer.

**9. UPDATE ON LICENSURE DATABASE**

Covert-ByBee indicated that the Department is waiting for contract approval.

**10. LEGISLATIVE UPDATE**

Covert-ByBee indicated that there has been little movement with bills in the legislature.

**11. 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, Legislative Update, Executive Order Update, and Licensure Database Update.

**13. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:35 a.m.

Respectfully submitted,

Dr. Brian Stevens, Secretary