

Minutes of the February 20, 2020 Board of Chiropractic Meeting

1. ROLL CALL

Dr. Mark Wurth, Chairperson, called the meeting of the Board of Chiropractic to order at 9:01 a.m. on Thursday, February 20, 2020 in the First Floor Licensure Unit Conference Room at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

Wurth announced that this is a public meeting and the Open Meetings Law is posted.

Members Present: The following members answered roll call:

Dr. Mark Wurth, Chairperson
David Henske, Member
Dr. David Lauer, Member

Others Present:

Natalee Hart, Assistant Attorney General
Rachel O'Toole, DHHS Staff Attorney
Dr. Douglas Vander Broek, Chiropractic Member of the Board of Health
Claire Covert-ByBee, Program Manager
Antonio Carranza, Health Licensing Coordinator

2. ADOPTION OF AGENDA

MOTION: Lauer moved, seconded by Henske to adopt the agenda. Voting aye: Henske, Lauer and Wurth. Voting nay: None. Motion carried.

3. APPROVAL OF JANUARY 13, 2020 CONFERENCE CALL MEETING MINUTES

MOTION: Henske moved, seconded by Lauer to approve the minutes from the January 13, 2020 meeting. Voting aye: Henske, Lauer and Wurth. Voting nay: None. Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

There were no topics for closed session.

5. BOARD RECOMMENDATIONS – OPEN SESSION

There were no recommendations.

6. BOARD MEMBER APPOINTMENT AND REAPPOINTMENT PROCESS

Wurth had a few questions regarding the appointment and reappointment process. He was concerned with the lack of communication during the process between the Board of Health making the reappointments and the members of the Chiropractic Board. Covert-ByBee advised that Matt Gelvin is the administrator for the Board of Health and would be the best resource to address process questions, however, he was unable to make the meeting. She also stated that current Board members are sent an evaluation to complete to give feedback on Board members seeking reappointment. Vander Broek shared information about his role as a member of the Board of Health in the appointment and reappointment process. The Board requested the topic be included on the next meeting's agenda to hear from Mr. Gelvin.

7. APPROVAL OF ETHICS AND BOUNDARIES ASSESSMENT SERVICES COURSE

Covert-ByBee presented information on the Ethics and Boundaries Assessment Services course which was created to assess an individual's understanding of ethics and boundaries in a professional setting. She advised if the Board approves the course they can use it as part of disciplinary action if applicable.

MOTION: Henske moved, seconded by Lauer to approve the Ethics and Boundaries Assessment Services course for use when applicable in future disciplinary actions. Voting aye: Henske, Lauer and Wurth. Voting nay: None. Motion carried.

8. 172 NAC 29 & 30 PROMULGATION UPDATE

Covert-ByBee provided an update advising that the Attorney General's office is currently reviewing the regulations.

9. LEGISLATIVE UPDATE

Covert-ByBee went through a few bills that may be of interest to the Board. LB 112 went into effect on January 1, 2020 and provides for a fee waiver for initial licensure for applicants under the age of 26, low income as defined by the bill and military family. The Department has seen a significant amount of applicants apply for a fee waiver.

Covert-ByBee provided information on LB 1187 Occupational Board Reform Act which would allow for reciprocity of licensure with other states and LB 1167 which would allow for the public to comment at all open meetings.

10. CONTINUING EDUCATION: MARKETING AND PRACTICE PROMOTION

Covert-ByBee stated that the regulations provide that practice promotion is explicitly excluded from acceptable continuing education. Wurth suggested it could be helpful to Chiropractors to improve their ethical marketing and incentivize them to take courses if practice promotion was made acceptable continuing education. Covert-ByBee advised that with the 8 mandatory hours of continuing education prevention of fraud, quality control, coding, standards of practice and

These minutes were approved by the Board of Chiropractic via mail ballot.

ethics are all included. If approval of a continuing education program/course can't be clearly determined by Department staff, the course will be brought to the Board for their review.

11. LICENSURE APPLICATION PROCESSING REPORT

Carranza presented the Application Processing Report. This was for informational purposes only.

12. PER DIEM DISCUSSION

Covert-ByBee stated the Department has been reaching out to each Board to determine how they'd like to be compensated for per diem. The Uniform Credentialing Act, specifically section 38-171, provides that "each member of a board shall receive a per diem... for each day actually engaged in the discharge of his or her duties." The maximum per diem amount is \$50, however, it can be provided for more than just the day of the meeting. The Department has the authority to provide per diem to Board members for attending a board meeting in person or conference call, any extra days traveling for board meetings, days spent preparing for any board meeting or other function where the member would be representing the board and days spent attending any conference, hearing etc. where the member is representing the Board.

The Board discussed many factors including recruiting and retention purposes, the fact most Board members are sacrificing income to attend the meetings and other activities on behalf of the Board and consistency with other boards.

MOTION: Lauer moved, seconded by Wurth to provide a per diem for travel days, days spent representing the Board in an official capacity at conferences, hearings and other functions and the day of Board meetings. Voting aye: Henske, Lauer and Wurth. Voting nay: None. Motion carried.

13. NBCE PART IV BOARD MEMBER NOMINATION

MOTION: Henske moved, seconded by Wurth to nominate Lauer as the delegate and Wurth as the alternate delegate for the NBCE National Meeting and the NBCE Part IV Exam Administration. Voting aye: Henske, Lauer and Wurth. Voting nay: None. Motion carried.

14. ELECTION OF OFFICERS

MOTION: After discussion, Henske moved, seconded by Lauer to name Wurth as Chairperson, Lauer as Vice-Chairperson, Henske as Secretary and Lauer as Investigative Consultant. Voting aye: Henske, Lauer and Wurth. Voting nay: None. Motion carried.

15. NOTICE OF MEETING PUBLICATION

The Board is required to inform the public each year of the method by which it will provide notice of meetings. In the past, the Board has elected to post meeting agendas at the Nebraska State Office Building, to email the agenda to the interested parties list, and to post agendas on the Department's website. The Department would like to continue with these methods.

These minutes were approved by the Board of Chiropractic via mail ballot.

MOTION: Henske moved, seconded by Lauer to continue with the current notification process. Voting aye: Henske, Lauer and Wurth. Voting nay: None. Motion carried.

16. MAIL BALLOT APPROVAL OF MEETING MINUTES

Carranza stated that in an effort to continue to improve communication with stakeholders and provide information to the public as quickly as possible the Department is changing the approval of meeting minutes to a mail ballot approval process. Once the minutes are prepared by the Department, they will be emailed to the Board members to approve via mail ballot and posted to the website as soon as they are approved. If there are corrections to be made, the Board can defer to discuss at the next meeting and approve an amended version at that time.

17. PUBLIC COMMENT

There were no comments.

18. TOPICS FOR NEXT MEETING

Suggested topics for next meeting include revisiting the appointment and reappointment process, legislative update and NBCE Annual Meeting report.

19. ADJOURNMENT

There being no further business, the meeting adjourned at 10:22 a.m.

Respectfully submitted,

David Henske, Secretary