

*These minutes were approved by the Board of Chiropractic on June 27, 2019.*

## Minutes of the February 28, 2019 Board of Chiropractic Meeting

Dr. Rethwisch, Chairperson, called the meeting of the Board of Chiropractic to order at 9:05 a.m. on Thursday, February 28th, 2019, in the Nebraska State Office Building, Lower Level B Conference Room, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting Agenda at least 10 days prior to the meeting and by posting the agenda at the entrance of the Department of Health and Human Services at least 24 hours prior to the meeting.

The following Board members and Department Staff were present at the meeting: Dr. Jeremiah Rethwisch, Chairperson; Dr. David Lauer, Vice-Chairperson; Maryann Gamble, Secretary; Dr. Mark Wurth, Professional Member; Claire Covert-ByBee, Program Manager; Antonio Carranza, Health Licensing Coordinator; Anna Harrison, Compliance Monitor; Jeff Newman, Investigator and Ami Huff, Assistant Attorney General.

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

Lauer moved, seconded by Gamble to approve the minutes from the November 15, 2018 meeting as presented. Voting aye: Gamble, Lauer, Rethwisch and Wurth. Voting nay: None. Motion carried.

Wurth moved, seconded by Lauer to go into closed session at 9:07 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Gamble, Lauer, Rethwisch and Wurth. Voting nay: None. Motion carried.

*(Newman left the meeting at 9:38 a.m.)*

*(Harrison left the meeting at 10:13 a.m.)*

*(The board took a break at 10:13 a.m.)*

*(The board returned at 10:20 a.m.)*

Lauer moved, seconded by Wurth to return to open session at 10:20 a.m. Voting aye: Gamble, Lauer, Rethwisch and Wurth. Voting nay: None. Motion carried.

Wurth moved, seconded by Rethwisch to recommend reinstatement of the Chiropractic license for Klayton Young from probation due to compliance with all probation requirements, submission of additional community support records that were not required and multiple positive character references. Voting aye: Gamble, Lauer, Rethwisch and Wurth. Voting nay: None. Motion carried.

The Board reaffirmed the Mail Ballot to approve the Mandatory CE Hours document provided to the Nebraska Chiropractic Physicians Association. Lauer, Rethwisch and Wurth voted to approve. The Mail Ballot was approved with three votes.

Covert-ByBee provided a legislative update to the Board. LB 29 clarifies the laws regarding telehealth for all professions under the Uniform Credentialing Act, including Chiropractors. The Board also discussed LB 110 the Medical Cannabis Bill and whether it may affect Chiropractors. LB 112 is a bill that was introduced to waive initial licensure fees for active duty military personnel and their families, individuals ages 18-25 and individuals with low income as defined by the bill. The Board also briefly discussed LB 735 regarding pelvic exams.

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Covert-ByBee updated the Board on the regulations process. She stated that there had been direction that all regulations be promulgated in the previously reported Executive Order format by the end of summer 2019. The Department is currently in the process of submitting regulations to be implemented. Covert-ByBee requested that the Board focus on a few items including initial licensure requirements, reviewing the Continuing Education requirements to account for updated technology options and update unprofessional conduct regulations. The Board looked at advertisement and how to define restrictions. They decided to remove the description of advertisements and replace it with "public media." The Board determined that they would not alter the Continuing Education requirements. They also looked at the section that has duties for unlicensed professionals written in. Covert-ByBee advised other professions in similar situations do not list duties for unlicensed aids, however the Board decided to leave the language in the regulations.

Covert-ByBee provided the Board with information regarding the application processing report. It was for informational purposes only.

The Board declined to elect any NCBE Delegates as none of the Board Members will be able to attend the annual conference.

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

The Board is required to inform the public each year the method by which it will provide notice of meetings. In the past, the Board has chosen to post meeting agendas at the Nebraska State Office Building, to email agendas to the interested parties list, and to post agendas on the Department's website. Lauer moved, seconded by Gamble to continue with the current notification process. Voting aye: Gamble, Lauer, Rethwisch and Wurth. Voting nay: None. Motion carried.

There being no further business, the meeting adjourned at 12:30 p.m.

Respectfully submitted,

Maryann Gamble, Secretary