

Minutes of the June 18, 2020 Board of Chiropractic Video Conference Meeting

1. ROLL CALL

Dr. Mark Wurth, Chairperson, called the meeting of the Board of Chiropractic to order at 9:03 a.m. on Thursday, June 18, 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
Dr. David Lauer, Vice-Chairperson
David Henske, Secretary
Dr. Scott Misek, Member (via Webex)

Others Present:

Natalee Hart, Assistant Attorney General
Jeff Newman, Investigator
Trevor Klaassen, Investigator
Larry Wiehn, Investigator
Anna Harrison, Compliance Monitor
Claire Covert-ByBee, Program Manager
Antonio Carranza, Health Licensing Coordinator

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the April 20, 2020 Meeting Minutes. Members Henske, Lauer, Misek and Wurth voted to approve the minutes.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Henske moved, seconded by Lauer to go into closed session at 9:05 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Henske, Lauer, Misek and Wurth. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS – OPEN SESSION

The Board returned to open session at 9:50 a.m.

There were no recommendations.

6. REGULATION UPDATE

Covert-ByBee stated that Chapters 29 and 30 relating to the practice of Chiropractic are currently with the Attorney General's office. She advised that other chapters of regulations have recently been reviewed and approved by the Attorney General so it's possible there could be movement with these chapters soon.

She also informed the Board that the chapter of Medicaid regulations relating to Chiropractic Services, 471 NAC 5, is set to have a public hearing on Monday, June 29th at 10:00 am. The hearing will be held via conference call and call-in information is available on the Department's website.

7. LEGISLATIVE UPDATE

Covert-ByBee shared that the legislature has been recessed due to COVID-19 but will resume July 20th with the session scheduled to run through August 13th.

8. LICENSURE AND COVID-19

Covert-ByBee stated that Executive Order 20-27 was signed by the Governor on June 17th which affects many professions including Chiropractors. The Department was also working to release a Frequently Asked Question document to be posted on the website explaining how the changes to licensure will work. The main points of interest for Chiropractors include the ability to obtain a provisional license pending completion of the licensure examination. If an applicant is unable to take the licensure examination due to social distancing restrictions but has satisfied all other requirements for licensure and is registered to take the exam, the applicant can be granted a provisional license. This provisional license would remain active until the results of the exam are available or December 31, 2020, whichever comes first.

Executive Order 20-27 also allowed the Department to implement a continuing education waiver that allows for waiver of CE requirements if a licensee experienced "extenuating circumstances outside the control of the practitioner" and was unable to attain all of the required hours. If a licensee selects this option they will be required to provide supporting documentation to the Department showing proof of those extenuating circumstances.

9. TOPICS FOR NEXT MEETING

Suggested topics for the next meeting include an overview of the process for appointment and reappointment of Board members, update on the Medicaid public hearing, licensure and COVID-19 update, legislative update and regulation update.

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

10. ADJOURNMENT

There being no further business, the meeting adjourned at 10:28 a.m.

Respectfully submitted,

David Henske, Secretary