

Minutes of the October 17, 2019 Board of Chiropractic Meeting

1. ROLL CALL

Dr. Mark Wurth, Chairperson, called the meeting of the Board of Chiropractic to order at 9:00 a.m. on Thursday, October 17, 2019 in the Lower Level, Conference Room B 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. Jeremiah Rethwisch, Vice-Chairperson
Dr. David Lauer, Member

Members Absent:

Maryann Gamble, Secretary

Others Present:

Ami Huff, Assistant Attorney General
Suzanna Glover-Ettrich, DHHS Staff Attorney
Rachel O'Toole, DHHS Staff Attorney
Carla Cue, Investigator
Larry Wiehn, Investigator
Claire Covert-ByBee, Program Manager
Antonio Carranza, Health Licensing Coordinator

2. ADOPTION OF AGENDA

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

3. APPROVAL OF JUNE 27, 2019 MEETING MINUTES

MOTION: Lauer moved, seconded by Rethwisch to approve the minutes from the June 27, 2019 meeting. Voting aye: Lauer, Rethwisch and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Lauer moved, seconded by Rethwisch to go into closed session at 9:02 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named

or referenced in such discussions. Voting aye: Lauer, Rethwisch and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

5. BOARD RECOMMENDATIONS – OPEN SESSION

MOTION: Rethwisch moved, seconded by Lauer to return to open session at 10:08 a.m. Voting aye: Lauer, Rethwisch and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

MOTION: Rethwisch moved, seconded by Lauer to recommend issuing a Chiropractic license to Brian Fisk. Voting aye: Lauer, Rethwisch and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

6. LEGISLATIVE UPDATE

Covert-ByBee provided a legislative update. LB 112 was signed and will go into effect January 1, 2020. It will provide for waiver of initial licensure fees for applicants ages 18-25, low income as defined by the bill and active duty military or military spouses. LB 244 passed and provides for mobile massage therapy. LB 29 passed and provides and eliminates telehealth provisions for professions under the UCA. Chiropractors were included in LB 29.

7. DISCUSSION/RESPONSE TO COMMENTS FROM PUBLIC HEARING

Covert-ByBee described the process stating the Board only needs to respond to comments that suggest changes. Comments from Dr. Doug Vander Broek, and the Nebraska Chiropractic Physician Association were in full support of the regulation amendments. Comments from the Nebraska Academy of Family Physicians addressed the use of “primary care physician” in the proposed regulations. The Board discussed and determined they would recommend amending the language to read “primary care provider.” There were no other comments.

8. ADOPTION OF REGULATIONS

MOTION: Lauer moved, seconded by Rethwisch to recommend adopting Chapter 172 NAC 29 with the amendments discussed. Voting aye: Lauer, Rethwisch and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

MOTION: Rethwisch moved, seconded by Lauer to recommend repealing Chapter 172 NAC 30. Voting aye: Lauer, Rethwisch and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

9. APPLICATION PROCESSING REPORT

Covert-ByBee provided the application processing report. This was for informational purposes only.

10. SCHEDULE MEETINGS FOR 2020

The Board scheduled meetings for next year for February 20, 2020, June 18, 2020 and October 15, 2020.

These minutes were approved by the Board of Chiropractic on January 13, 2020.

11. TOPICS FOR NEXT MEETING

Suggested topics for next meeting include a legislative update, regulations update, possible introduction of new board members and election of officers.

12. RECOGNITION OF MARYANN GAMBLE

The Department and the Board recognized Maryann Gamble for her contributions to the Board.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 10:55 a.m.

Respectfully submitted,

Jeremiah Rethwisch, Vice-Chairperson