

Minutes of the February 12, 2015 Board of Chiropractic Meeting

CALL TO ORDER

David Lauer, Chairperson, called the meeting of the Board of Chiropractic to order at 10:04 a.m. on Thursday, February 12, 2015, in the Nebraska State Office Building, Lower Level Conference Room D, 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 posting the agenda at the entrance of the Department of Health and Human Services at least 24 hours prior to the meeting.

CHAIR ANNOUNCEMENT

Dr. Lauer announced that this is a public meeting and the Open Meetings Law was posted.

INTRODUCTION OF NEW BOARD MEMBERS

The new Board members, Maryann Gamble and Jeremiah Rethwisch were introduced to board members as well as staff.

ROLL CALL

The following Board members and Department Staff participated in the meeting:

David Lauer, DC, Chairperson	Mark Wurth, DC, Secretary
Jeremiah Rethwisch, DC, Professional Member	Maryann Gamble, Public Member
Rene Tiedt, Program Manager	Duane Newland, Investigations
Suzanna Glover-Etrich, Department Legal Counsel	Ed Vierk, Assistant Attorney General
Jacye LaFayette-Dymacek, Health Licensing Coordinator	

ADOPTION OF AGENDA

Dr. Wurth moved, seconded by Dr. Lauer, for adoption of the agenda. Voting aye: Gamble, Lauer, Rethwisch, and Wurth. Voting nay: None. Motion carried.

APPROVAL OF MEETING MINUTES

Dr. Wurth moved, seconded by Dr. Lauer to approve the minutes from the November 13, 2014 meeting. Voting aye: Gamble, Lauer, Rethwisch, and Wurth. Voting nay: None. Motion carried.

CLOSED SESSION

Dr. Wurth moved, seconded by Dr. Lauer to go into closed session at 10:07 a.m. for the purpose of discussing investigative reports and to protect the reputation of individuals named or referenced in such reports. Voting aye: Gamble, Lauer, Rethwisch, and Wurth. Voting nay: None. Motion carried.

OPEN SESSION

Dr. Wurth moved, seconded by Dr. Lauer to return to open session at 10:35 a.m. Voting aye: Gamble, Lauer, Rethwisch, and Wurth. Voting nay: None. Motion carried.

SCOPE OF PRACTICE

The Board received a request for an opinion at the November 13, 2014 meeting concerning whether the use of Groupon advertising constituted fee splitting. After discussion, Dr. Wurth moved, seconded by Dr. Lauer that pursuant to 172 NAC 29-008.02, item 2, it is the Board's opinion that any written, electronic, or other promotion or advertisement that results in any fee for professional service(s) being retained by a non-licensed third party will be considered fee

splitting or fee division and would therefore be a violation of this regulation.

NEW BUSINESS

After discussion, Dr. Wurth moved, seconded by Dr. Rethwisch to name Dr. Lauer as Chairperson, Dr. Wurth as Vice-Chairperson, Dr. Rethwisch as Secretary, and Dr. Wurth as the Investigative Consultant for 2015. Voting aye: Gamble, Lauer, Rethwisch, and Wurth. Voting nay: None. Motion carried.

Ms. Tiedt provided a copy of the Department's Application Processing Report for informational purposes only.

The Department had received requests from the Federation of Chiropractic Licensing Boards (FCLB) and the National Board of Chiropractic Examiners (NBCE) to select the delegate and alternate delegate representatives for their annual meeting. After discussion, Dr. Wurth moved, seconded by Dr. Rethwisch to name Dr. Lauer as the delegate and Dr. Wurth as the alternate delegate.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:17 p.m.

Respectfully submitted,

Signature available upon request

Dr. Jeremiah Rethwisch, Secretary

Prepared by: Jacye LaFayette-Dymacek, Health Licensing Coordinator