

These minutes have not been approved by the Board of Chiropractic

Minutes of the June 30, 2016 Board of Chiropractic Meeting

CALL TO ORDER

Mark Wurth, Chairperson, called the meeting of the Board of Chiropractic to order at 9:01 a.m. on Thursday, June 30, 2016, in the Nebraska State Office Building, Lower Level Conference Room B, 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.

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

The following Board members and Department Staff were present at the meeting: Dr. David Lauer, Dr. Jeremiah Rethwisch, Dr. Mark Wurth, Claire Covert-ByBee, Program Manager, Jacye LaFayette-Dymacek, Health Licensing Coordinator, Ami Huff, Assistant Attorney General, and Suzanna Glover-Ettrich, Department Legal Counsel.

Maryann Gamble was absent from the meeting

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

Dr. Lauer moved, seconded by Dr. Rethwisch to approve the minutes from the February 11, 2016 meeting. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

CLOSED SESSION

Dr. Rethwisch moved, seconded by Dr. Lauer to go into closed session at 9:03 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.

OPEN SESSION

Dr. Lauer moved, seconded by Dr. Rethwisch to return to open session at 10:40 a.m. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

RECOMMENDATIONS

Dr. Rethwisch moved, seconded by Dr. Lauer to offer Adam James Freeman a one-year probationary license to practice as a chiropractor based on his misdemeanor convictions and failure to disclose those convictions. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

Dr. Lauer moved, seconded by Dr. Wurth to offer Klayton Young a one-year probationary license to practice as a chiropractor based on his misdemeanor convictions and diagnosis of substance use disorder, severe. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

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Dr. Lauer moved, seconded by Dr. Wurth to table Tyler Mason's application to obtain additional information. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

SCOPE OF PRACTICE

After discussion, Dr. Lauer moved, seconded by Dr. Rethwisch that it is within the scope of practice of a Nebraska licensed Chiropractor to perform SIBO testing. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

After discussion, Dr. Lauer moved, seconded by Dr. Rethwisch that it is within the scope of practice of a Nebraska licensed Chiropractor to perform stool sample testing for gut infections. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

After discussion, the Board declined to offer an opinion on whether Nebraska licensed Chiropractors may refer to themselves as functional medicine practitioners or functional medicine physicians.

After discussion, Dr. Lauer moved, seconded by Dr. Rethwisch that it is a Nebraska licensed chiropractor may delegate to an unlicensed assistant the performance of therapeutic exercise and neuromuscular reeducation (NRM) on patients. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

After discussion, Dr. Rethwisch moved, seconded by Dr. Lauer that it is within the scope of practice of a Nebraska licensed Chiropractor to review skins tests to determine if a condition is contagious. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

MISCELLANEOUS

Ms. Covert-ByBee shared a brief summary of the legislative bills that were passed during the last legislative session.

Ms. Covert-ByBee provided a copy of the current draft of the chiropractic rules and regulations and explained the process for approval. The Board scheduled a regulatory work session for August 25, 2016 at 9:00 a.m.

Ms. Covert-ByBee shared that Chiropractors are currently in renewal. Notifications were sent out by mail, and online renewal is available. The renewal period ends August 2, 2016. After the renewal period, letters will be sent to licensees identified in a random audit for them to submit their proof of continuing competency to the Licensure Unit.

Ms. LaFayette-Dymacek confirmed that a letter will be sent to all Nebraska licensed Chiropractors listing the continuing competency requirements for the next renewal period.

After discussion, the Board concluded that they wish to further address Chiropractic license exceptions, specifically relating to Chiropractors licensed in other states and the idea of internships, preceptorships, and externships during the regulatory work session scheduled for August 25, 2016.

After discussion, the Board decided to draft a letter expressing their concerns regarding the pending Nebraska Medicaid Regulations as they relate to Chiropractors.

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The Federation of Chiropractic Licensing Boards Districts I & IV meeting is being held October 13-16, 2016 in Colorado Springs, Colorado. All Board members have expressed that they are able to attend. Individual Board members will notify Ms. LaFayette-Dymacek if they will attend so that arrangements may be made.

Ms. LaFayette-Dymacek provided a copy of the NBCE Second Quarter Progress Report. This was for informational purposes only.

Ms. LaFayette-Dymacek provided a copy of the Department's Application Processing Report. This was for informational purposes only.

The next Board meeting is scheduled for October 27, 2016 at 9:00 a.m.

Ms. Covert-ByBee provided a brief recap of the topics covered during the meeting.

Dr. Lauer moved, seconded by Dr. Rethwisch to return to closed session to further clarify a topic discussed during closed session earlier in the meeting. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

Dr. Rethwisch moved, seconded by Dr. Lauer to return to open session at 12:35 p.m. Voting aye: Lauer, Rethwisch, and Wurth. Voting nay: None. Absent: Gamble. Motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:38 p.m.

Respectfully submitted,

Dr. Jeremiah Rethwisch, Secretary

Prepared by: Jacye LaFayette-Dymacek, Health Licensing Coordinator