

## Minutes of the June 1, 2022 Board of Chiropractic Meeting

### **1. ROLL CALL**

Dr. Scott Misek, Chairperson, called the meeting of the Board of Chiropractic to order at 9:01a.m. on Wednesday, June 1, 2022 in Conference Room 5B at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS website at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on May 19, 2022.

Misek announced that this is an open meeting and the Open Meetings Act is posted.

**Members Present:** The following members answered roll call:

Dr. Scott Misek, Chair  
Dr. Heather Henrichs, Vice-Chair  
Dr. Brian Stevens, Secretary  
David Henske, Public Member

**Staff Present:**

Mindy Lester, Assistant Attorney General  
Joe Neuhaus, Assistant Attorney General  
Suzanna Glover-Ettrich, DHHS Legal Counsel (via Webex)  
Claire Covert-ByBee, Program Manager  
Amy Blinston, Health Licensing Coordinator

**Guests Present:**

Dr. Nick Payne, NCPA  
Stacey Kjeldgaard, NBCE (via Webex)

### **2. ADOPTION OF AGENDA**

**MOTION:** Henrichs moved, seconded by Henske to adopt the agenda. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried.

### **3. REAFFIRMATION OF MAIL BALLOT**

The Board reaffirmed the mail ballot approving the April 6, 2022 Meeting Minutes on April 7, 2022. Members Henrichs, Stevens, and Misek, voted to approve the minutes as written. The minutes were approved.

#### **4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Henske moved, seconded by Henrichs to move into closed session at 9:04 a.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Henrichs, Henske, Stevens, and Misek. Voting nay: none. Motion carried.

#### **5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION**

In the matter of the application for reinstatement from discipline for Aaron Nielsen, the Board recommends denial based upon prior disciplinary action of revocation and failure to provide sufficient evidence of a change in circumstances to warrant reinstatement to licensure.

#### **6. EBAS PRESENTATION**

Stacey Kjeldgaard, representing the National Board of Chiropractic Examiners (NBCE) presented information regarding the Ethics for Public Protection (EBAS) essay exam. This exam assess an individual's understanding of ethics and boundaries in a professional workplace environment, as well as the participant's critical thinking skills. EBAS does not provide pre-exam educational materials for this assessment.

#### **7. LEGISLATIVE UPDATE**

Covert-ByBee shared updates on legislation, including LB752 which involves the Occupational Therapy Interstate Compact which requires notification regarding stem cell therapy, and expands the scope of practice of respiratory care under the Respiratory Care Practice Act. LB752 was passed and signed by the governor on April 18, 2022.

LB742 provides for minutes to be kept in an electronic record under the Open Meetings Act. This bill was passed and signed by the Governor April 18, 2022. The governor also approved LB436, the Athletic Trainers expansion of scope bill.

The Occupational Therapy Compact was amended into LB 752 via AM1918. AM1918 also amended the Licensed Professional Counselors compact, and the stem cell informed consent bill (LB 753) into LB 752. It was passed, and signed by Governor on April 18, 2022. Covert-ByBee indicated that LB 752 was originally the Respiratory Care expansion of scope bill.

Covert-ByBee also provided an update on LB709, which changes requirements relating to preliminary applications under the Occupational Board Reform Act, and LB 743 which changes provisions relating to when closed sessions may be held under the Open Meetings Act. Both bills were indefinitely postponed.

LB908, which provides additional requirements for virtual conferencing under the Open Meetings Act, was signed by the Governor on April 18, 2022, as well as LB824, which includes bathing as an activity of daily living for health care credentialing provisions.

LB901 provides for cytomegalovirus public education and prevention. LB901 was amended into LB741 via AM 2402, and was signed by the Governor April 18, 2022.

LB885 requires implicit bias training for certain applicants and credential holders under the Uniform Credentialing Act, and LB963, Adopt the Medical Ethics and Diversity Act, were both indefinitely postponed.

Covert-ByBee noted that unless a legislative bill has an emergency clause or date specified, if passed, it becomes operative three months after adjournment of the legislative session, which was April 20, 2022.

## **8. UPATE ON LANCE**

Covert-ByBee provided an update regarding LANCE. LANCE is a complex database which will allow licensees to create a profile, complete their application electronically, make fee payments, submit documentation, and view their application process through an online system. The first professions enabled in LANCE will be Physical Therapy and Cosmetology. LANCE will go live in late summer or early fall, 2022.

## **9. APPLICATION PROCESSING REPORT**

Covert-ByBee presented the Licensure Application Processing Report. This was for informational purposes only. Covert-ByBee indicated that online renewal for Chiropractic is now live. The renewal deadline is August 1<sup>st</sup> of every even numbered year.

## **10. EXECUTIVE ORDERS**

Covert-ByBee provided the Board with 3 executive orders issued by Governor Ricketts for reference. Executive order 22-02 extends orders 21-12 and 21-15 through September 30, 2022. Executive order 21-15 applies directly to the Chiropractic profession in that it allows a chiropractor to be issued a provisional license pending results of their examination. Chiropractors still need to meet continuing education requirements for renewal, however the Department will not be enforcing the limit on the number of hours completed by home study or virtual methods. Additionally, there is a CE waiver available for circumstances outside the control of the individual, which prevents them from completing the CE requirements.

## **11. FCLB REPORT**

Henrichs attended the Federation of Chiropractic Licensing Boards (FCLB) annual conference and gave a brief synopsis of subject matter covered. There was a presentation about EBAS, which was provided to the Board earlier in this meeting. Henrichs also touched on highlights of the conference, including subcommittees, the role of DHHS, and utilization of the CIN-BAD database.

## **12. REGULATION DRAFTING**

The Board discussed proposed changes to the Nebraska Administrative Code, Title 172, Chapter 29, Section 006, which pertains to the continuing education requirements for licensure renewal.

Regarding section 006(B), Henrichs proposed simplifying current language by removing references to Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

Henrichs also proposed adding language to section 006.01(B) to specify that attendance to conferences, workshops, or seminars may be in-person or through synchronous virtual methods. Synchronous e-learning involves online studies through chat and videoconferencing. This kind of learning tool is in real-time. It is like a virtual classroom that allows students to ask, and teachers to answer questions instantly.

Further proposed changes include revising section 006.01(D) to increase the number of independent study hours from 6 to 10 hours, and potentially add language to make the requirement that independent study be completed through an accredited program.

## **13. TOPICS FOR NEXT MEETING**

Suggested topics for next meeting include Regulation Drafting, Update on LANCE, Executive Orders, FCLB Report, and Application Processing Report.

## **14. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:35 a.m.

Respectfully submitted,

Dr. Brian Stevens, Secretary