

## Minutes of the February 2, 2022 Board of Chiropractic Video Conference Meeting

### **1. ROLL CALL**

Dr. Scott Misek, Vice-Chairperson, called the meeting of the Board of Chiropractic to order at 9:05a.m. on Wednesday, February 2, 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 January 21, 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, Vice-Chairperson  
Dr. Heather Henrichs, Secretary  
Dr. Brian Stevens, Chiropractor Board Member  
David Henske, Public Member

**Staff Present:**

Milissa Johnson-Wiles, Assistant Attorney General  
Kate Manuel, Department Legal Counsel  
Claire Covert-ByBee, Program Manager  
Siaw Hwa Tey, Health Licensing Coordinator

**Guests Present:**

Dr. Nick Payne, NCPA

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

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

### **3. INTRODUCTION**

Dr. Brian Stevens is the newest Chiropractic Member of the Board, he officially joined the Board on December 1, 2021. He has been practicing Chiropractic for 22 years. His father and grandfather were both Chiropractors, and their office has been opened for 101 years in Benson, Omaha. The other Board members and the Department introduced themselves and welcomed Dr. Stevens to the Board.

#### **4. REAFFIRMATION OF MAIL BALLOT**

The Board reaffirmed the mail ballot approving the October 21, 2021 Meeting Minutes on November 8, 2021. Members Henrichs, Henske, Misek, and Lauer voted to approve the minutes as written and they were approved.

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

The Board did not move into closed session as there were nothing to discuss.

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

There were no recommendations.

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

Covert-ByBee shared updates on legislation and the introduction of new bills. She highlighted 2 bills that were carried over from the last legislative session, LB 15 and 436. LB 15 would adopt the Occupational Therapy Practice Interstate Compact, and LB 436 would change provisions of the Athletic Training Practice Act. LB 742, 743, and 908 were introduced to amend the Open Meetings Act where it allows minutes to be kept in an electronic record, changes provisions relating to when closed sessions may be held, and provides additional requirements for virtual conferencing.

A major bill that affects all professions under the Department would be LB 709. It changes requirements relating to preliminary applications under the Occupational Board Reform Act. LB 709 requires any credentials that are issued by any state entities to allow individuals who have a criminal history to preliminarily apply to the Board to determine if their criminal history would disqualify them from getting a license.

LB 753 would require health care practitioners to provide notification regarding stem cell therapy. LB 824 would change some language in the Health Care Facilities Act in which bathing is now added as an Activity of Daily Living (ADL).

Covert-ByBee stated that LB 885 requires implicit bias training for applicants and credential holders under the Uniform Credentialing Act. One issue with this bill is that the language of the bill requires it to be an annual training with renewal, but renewal is biennial in most cases. LB 901 would obligate the healthcare providers to provide cytomegalovirus public education and prevention if they are working with pregnant women. Last but not least, LB 963 would adopt the Medical Ethics and Diversity Act.

#### **8. UPATE ON LANCE**

Covert-ByBee gave a brief description of what LANCE is to Dr. Stevens, the newest Board member. She explained that LANCE is a complex database. The Department anticipated LANCE to go live with 2 of the professions in January, but it has been pushed back to April 4, 2022.

## **9. LICENSURE AND EXECUTIVE ORDERS**

Covert-ByBee provided updates on Executive Orders 21-12, 21-15, and 21-18. EO 21-12 and 21-15 were originally issued last year due to healthcare staffing emergency, and both were set to expire in December, 2021. Governor Ricketts then issued EO 21-18 to extend the provisions of EO 21-12 and 21-15 to March 31, 2022. EO 21-18 continued waivers to facilitate hospital planning and ensure additional healthcare workforce capacity in Nebraska.

## **10. NBCE ANNUAL MEETING DELEGATES**

Covert-ByBee indicated that the Board members may travel without restrictions now, and the next National Board of Chiropractic Examiners (NBCE) Annual Meeting is scheduled for Friday, May 6, 2022 at Grand Hyatt Denver, Colorado.

**MOTION:** After discussion, Henske moved, seconded by Stevens to nominate Dr. Henrichs as Delegate. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried.

**MOTION:** Henske moved, seconded by Henrichs to nominate Dr. Stevens as Alternate Delegate. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried

## **11. CE, DISTANCE LEARNING, OTHER STATES**

In the previous meeting, the Board discussed about changing the maximum number of continuing education hours obtained via online/home study from 6 hours to 10 every renewal biennium. Covert-ByBee presented a list of information regarding the nationwide CE limits for home study. Misek has prepared a proposal to make a change to 172 NAC 29.

**MOTION:** Henske moved, seconded by Stevens to request that the Department opens the Chapters and Regulations, specifically 172 NAC 29 for the purpose of revising continuing competency requirements for Chiropractors in the State of Nebraska. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried.

## **12. CONVICTION REVIEW GUIDELINES**

All Board are required to review the conviction guidelines annually to stay aligned with the Department regarding applications that should be reviewed by the Board.

**MOTION:** Henrichs moved, seconded by Stevens to remove MIP from the Chiropractic Conviction Guidelines. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried.

## **13. ELECTION OF OFFICERS**

**MOTION:** Henrichs moved, seconded by Misek to elect Misek as Chairperson and Investigative Consultant, Henrichs as Vice-Chairperson, and Stevens as Secretary. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried.

#### **14. NOTICE OF MEETING PUBLICATION**

The Board is required to inform the public each year of the method by which it will provide notice of meetings. In the past, the Board has elected to post meeting agendas at the Nebraska State Office Building, email the agenda to the interested parties list, and post agendas on the Department's website.

**MOTION:** Henske moved, seconded by Stevens to continue with the current notification process. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried.

#### **15. PER DIEM DISCUSSION**

The Department is required to review Per Diem procedures for all licensure boards annually. Currently, this Board receives Per Diem that worth 1.5 days for Board meeting days, travel days if not the same day as Board meetings, and when representing the Board in an official capacity at the maximum rate of per diem allowed by Neb. Rev. Stat. 38-171, which is \$50.00 at the moment.

**MOTION:** Henrichs moved, seconded by Henske to maintain the same per diem guidelines for 2021. Voting aye: Henrichs, Henske, Misek, and Stevens. Voting nay: none. Motion carried.

#### **16. APPLICATION PROCESSING REPORT**

Covert-ByBee presented the Licensure Application Processing Report. This was for informational purposes only.

#### **17. TOPICS FOR NEXT MEETING**

Suggested topics for next meeting include CE/Regulation Revision, Legislative Update, Update on LANCE, Licensure and Executive Order, and Application Processing Report.

#### **18. DATE FOR OCT 2022 MEETING**

The Board confirmed that the date for October 2022 meeting is on the 5th, which is a Wednesday.

#### **19. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:00 a.m.

Respectfully submitted,

Dr. Heather Henrichs, Secretary