

Minutes of the February 7, 2024  
Board of Chiropractic Meeting

**1. ROLL CALL**

Dr. Scott Misek, Chairperson, called the meeting of the Board of Chiropractic to order at 9:00 AM on February 7, 2024, in the Goldenrod Conference Room 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 30, 2024.

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:**

Claire Covert-ByBee, Program Manager  
Abby Hoy-Nissen, Assistant Attorney General  
T.J. O'Neill, Assistant Attorney General  
Danielle Sund, DHHS Legal Counsel  
Mark Myerson, DHHS Investigations  
Dr. Douglas Vander Broek, Board of Health Liaison

**Members of the Public**

Dr. Nick Payne, Nebraska Chiropractic Physicians Association  
Dr. Brad Stauffer Nebraska Chiropractic Physicians Association  
Lori Citta, Nebraska Chiropractic Physicians Association

**2. ADOPTION OF AGENDA**

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

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

The Board reaffirmed the mail ballot approving the November 1, 2023, Meeting Minutes on November 17, 2023. Members Stevens, Henske, Henrich, and Misek, voted to approve the minutes as written. The minutes were approved.

### **4. CLOSED SESSION**

**MOTION:** Henrichs moved, seconded by Henske, to move 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: Henske, Stevens, Henrichs, and Misek. Voting nay: none. Motion carried.

### **5. BOARD RECOMMENDATIONS ON APPLICATIONS**

The Board returned to open session 9:57a.m.

**Motion:** Henrichs moved, seconded Henske to deny the application for reinstatement of Dr. James Dickey's chiropractor license based on the causes of action outlined in the Petition for Disciplinary Action filed on February 1, 2024. Voting aye: Henske, Stevens, Henrichs, and Misek. Voting nay: none. Motion carried.

### **6. REGULATION DRAFTING**

**Motion:** Henrichs moved, seconded by Henske to approve the draft regulation to move on to the next step, with one spelling error corrected. Voting aye: Henske, Stevens, Henrichs, and Misek. Voting nay: none. Motion carried.

### **7. PRECEPTORSHIP**

Discussion was held on preceptorships in Nebraska. No action was taken at this time.

### **8. FCLB UPDATE**

Henrichs reported there are no updates at this time.

### **9. NBCE UPDATE**

Henrichs reported there are no updates at this time.

## **10. ELECTION OF OFFICERS**

**Motion:** Moved by Henske, seconded by Stevens to keep the current slate of officers. Dr. Scott Misek, Chair and Investigative Consultant, Dr. Heather Henrichs, Vice-Chair, Dr. Brian Stevens, Secretary, Voting aye Henske, Stevens, Henrichs, and Misek. Voting Nay, none. Motion carried.

## **11. VOTING FOR DELEGATES**

**Motion:** Moved by Misek, seconded by Stevens to keep the slate of Delegates the same as last year; Dr. Henrichs as Delegate and Dr. Stevens as Alternate. Voting aye Henske, Stevens, Henrichs, and Misek. Voting Nay, none. Motion carried.

## **12. PER DIEM**

**Motion:** Moved by Henske, seconded by Henrichs to keep the Per Diem at the same level as last year which is \$50 per day for the meeting and one-half day for preparatory work. Voting aye Henske, Stevens, Henrichs, and Misek. Voting Nay, none. Motion carried.

## **13. NOTICE OF MEETING PUBLICATION**

Covert-ByBee advised that currently, meeting agendas are posted at the Nebraska State Office Building- Licensure Unit bulletin board, emailed to interested parties and stakeholders who have requested notification, and posted on the Department's website.

## **14. LEGISLATIVE UPDATE**

Covert-ByBee stated there are no new bills introduced that are directly affecting Chiropractic Practice at this time.

## **15. LICENSURE DATABASE UPDATE**

Covert-ByBee stated that the Department continues to work with the contractor to validate data and prepare for a new database, and that all tasks are currently on time.

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

Covert-ByBee stated this report is for informational purposes only.

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

Topics to be discussed at the next meeting are Legislative review, October meeting date, Licensure Database Update, Licensure Application Processing Report, Preceptorship, FCLB and NBCE reports out and a presentation by Vonda Apking on X-Rays Performed by Chiropractic Assistants.

## **18. PUBLIC COMMENT**

No public comments

## **19. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:50 a.m.

Respectfully submitted,  
Dr. Brian Stevens, Secretary