

HEALTH AND HUMAN SERVICES COMMITTEE OF THE NEBRASKA LEGISLATURE

Report as required by Neb. Rev. Stat. 84-948

Committee Members

Senator Brian Hardin, Chairperson, District 48
Senator John Fredrickson, Vice-Chairperson, District 20
Senator Merv Riepe, District 12
Senator Glen Meyer, District 17
Senator Dan Quick, District 35
Senator Ben Hansen, District 16
Senator Beau Ballard, District 21

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Occupational Board Reform Act

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

“Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.” (Neb. Rev. Stat. § 84-948)

Committee Findings

Neb. Rev. Stat. 84-948 requires the report to include the following with answers in bold:

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations.

Chiropractors, Board of Chiropractic

The Board of Chiropractic provides recommendations to the Department of Health and Human Services regarding the issuance or denial of credentials, and provides recommendations to the Department of Health and Human Services regarding rules and regulations to carry out the Uniform Credentialing Act.

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Neb. Rev. Stat. 38-801 to 38-811

(c) The number of members of the occupational board and how the members are appointed;

4 members, appointed by Board of Health, no legislative approval required

(d) The qualifications for membership on the occupational board;

3 members involved with chiropractic, 1 public member

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

• Required FY 2025-2024:

4

• Held FY 2025-2024:

4

• Required FY 2024-2023:

4

• Held FY 2024-2023:

4

• **Required FY 2023-2022:**

4

• **Held FY 2023-2022:**

4

• **Required FY 2022-2021:**

4

• **Held FY 2022-2021:**

4

• **Required FY 2021-2020:**

4

• **Held FY 2021-2020:**

4

The Nebraska Board of Chiropractic typically holds 3 to 4 formal meetings per calendar year. Over the past 5 years, this averages to approximately 15 to 20 official sessions, consisting mostly of regular business meetings, officer elections, and mail ballot reaffirmations.

Historically, the board schedule consists of meetings in the winter (e.g., February), spring (e.g., April), early summer (e.g., June), and fall (e.g., October). The Nebraska Department of Health and Human Services (DHHS) manages the official archive for all past Board of Chiropractic [Agendas and Minutes](#).

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

The Nebraska Board of Chiropractic does not operate on a taxpayer-funded appropriation. Instead, it is entirely self-sustaining, utilizing dedicated cash funds generated through licensure and renewal fees deposited into the Board of Chiropractic Examiners Fund. Its operating expenses are relatively consistent from year to year.

Historical data from the Nebraska Legislature’s Committee Surveys indicates the following approximate annual operating budgets for the board:

- **FY 2019–2020: ~\$13,081**
- **FY 2020–2021: ~\$13,000**
- **FY 2021–2022: ~\$13,000**
- **FY 2022–2023: ~\$13,000**
- **FY 2023–2024: ~\$13,000**

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoke, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, other penalties.

In the past 5 years, the Board of Chiropractic issued 190 licenses. During this time period, 1 license was issued for failure to keep adequate records and unprofessional conduct.

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

The regulations in Title 172, Chapter 29, appear to be consistent with the underlying statutory authority.

(i) A statement from the occupational board on the effectiveness of the occupational regulations

The Chair of the Board of Chiropractic stated that he has been on the Board of Chiropractic for nine years. In that time, he has seen the effectiveness of regulations for the practice of Chiropractic in Nebraska. The board had installed directed, mandated topics for re-licensure that have been effective in limiting the number of complaints against chiropractors and have allowed the Board to respond to trends in practice behavior that may affect patient safety. He believes the regulations are effective.

(j) A comparison of whether and how other states regulate the occupation;

All 50 states require licensure for the Chiropractor occupation. The Federation of Chiropractic Licensing Boards maintains a website which has links to the state licensing boards:

<https://fclb.org/chiropractic-licensing-boards.php>

(4) Subject to subsection)5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

The regulations in Title 172, Chapter 29, appear to be consistent with the underlying statutory authority.

- (a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services:

N/A

- (b) If the need is to protect consumers unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

N/A

- (c) If the need is protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded:

N/A

- (d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

N/A

- (e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

N/A

- (f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

N/A

- (g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

N/A

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

N/A

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

N/A

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

NA

Conclusion

The licenses, certifications, and registrations overseen by DHHS and the Board of Chiropractic are intended to protect the health, safety, and welfare of Nebraskans. As a whole, regulation of genetic counselors is appropriate and balanced and does not need modification at this time.