

NEBRASKA STATE BOARD OF HEALTH MEETING
MINUTES – FEBRUARY 14, 2024

ATTENDANCE NOTIFICATION. David Reese, Chair, called a special meeting of the State Board of Health to order at 2:00 PM on February 14, 2024, over Webex. Staff were in Conference Room 6-F of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed electronically to board members and other interested parties prior to the meeting and posted on the Health and Human Services website and bulletin board. The following members were present: J Paul Cook, MD; Heather Cramer, RN; Jaime Dodge, MD; Diane Jackson, APRN; Michael Kotopka, DDS; Mark Patefield, PharmD; David Reese, MHA; Daniel Rosenthal, PE; Doug Vander Broek, DC; Dan Vehle; Josh Vest, DPM. Quorum was met.

Staff and others in attendance: Monica Gissler, Caryn Vincent

Board members not in attendance: Russell Crotty, OD; John Kuehn, DVM

APPROVAL OF AGENDA AND MINUTES. Mr. Reese asked if there were any changes to the agenda for the meeting today. Dr. Dodge made a motion to approve the agenda, seconded by Dr. Cook; voting yes: 11 (Cook, Cramer, Dodge, Jackson, Kotopka, Patefield, Reese, Rosenthal, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

CHAIR'S REPORT

Mr. Reese reported the following:

1. Welcomed new member Dr. J Paul Cook.
2. Thanked the members for taking time to attend this special meeting.

Rules and Regulations Committee – Mr. Reese reported for Dr. Dodge, Committee Chair.

<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

- Rescind prior certificate of review signed on January 22, 2024 for the proposed regulations 181 NAC 8 – Nonsurgical Pharmaceutical Gendering Altering Treatments.

Mr. Reese made a committee motion to approve rescinding the January 22, 2024 certificate of review for the proposed rules and regulations for 181 NAC 8, with a second by Dr. Kotopka. Voting yes: 11 (Cook, Cramer, Dodge, Kotopka, Patefield, Reese, Rosenthal, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

- Review the following proposed rules and regulations:

181 NAC 8 – Nonsurgical Pharmaceutical Gender Altering Treatments

https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2703

These regulations govern the use of nonsurgical pharmaceutical gender altering treatments under the Let Them Grow Act, Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 71-7301 to 71-7307.

181 NAC 8 outlines the requirements for health care professionals to prescribe approved puberty-blocking drugs, cross-sex hormones, or both to individuals with a long-lasting and intense pattern of gender nonconformity or gender dysphoria. These prerequisites include the minimum number of gender-identity-focused contact hours, elements of informed patient consent, patient medical record documentation requirements, and a minimum waiting period between informed consent and administration, prescribing, or delivery of such drugs.

A public hearing was held on November 28, 2023. There was testimony provided in writing and verbally at the hearing. The hearing summary is 886 pages long and is posted online for the public.

Dr. Tesmer, Chief Medical Officer, explained that following the November 28, 2023 public hearing for these proposed regulations, he was contacted by someone who had both submitted written comments and also testified in person that not all of their comments had been incorporated into the written hearing summary. This was an accidental and inadvertent omission which prompted a further review and subsequently an amended public hearing summary was produced.

Mr. Reese made a committee motion to approve the review of the proposed rules and regulations for 181 NAC 8, with a second by Ms. Jackson. Voting yes: 11 (Cook, Cramer, Dodge, Kotopka, Patefield, Reese, Rosenthal, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS. None.

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be Monday, March 11, 2024. Location will be Goldenrod conference room, Lower Level of the State Office Building, in Lincoln.

ADJOURN. There being no further business, Dr. Cook made a motion to adjourn, with a second by Dr. Patefield. Voting yes: 11 (Cook, Cramer, Dodge, Kotopka, Patefield, Reese, Rosenthal, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried. The meeting adjourned at 2:18 PM. Minutes were taken by Monica Gissler and were approved by the State Board of Health on March 11, 2024.

NOTE: If you would like to receive these minutes electronically, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-2948, or email at: monica.gissler@nebraska.gov. Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

2/14/24, mcg