

**NEBRASKA STATE BOARD OF HEALTH MEETING**  
**DRAFT MINUTES – JUNE 12, 2023**

**ATTENDANCE NOTIFICATION.** Dr. Doug Vander Broek, Chair, called a regular meeting of the State Board of Health to order at 1:06 PM on June 12, 2023, in Lower Level Conference Goldenrod 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: Doug Bauer, DO; Heather Cramer, RN; Russell Crotty, OD; Diane Jackson, APRN; Michael Kotopka, DDS; John Kuehn, DVM; David Reese, MHA; Daniel Rosenthal, PE Robert (Bud) Synhorst; Doug Vander Broek, DC; Josh Vest, DPM. Quorum met.

Staff and others in attendance: Monica Gissler, Ryan Burbach. DHHS attorney Teresa Hampton attended via Webex.

Board members not in attendance: Jaime Dodge, MD; Donald Ostdiek, DPT; Mark Patefield, PharmD; Dan Vehle

**APPROVAL OF AGENDA AND MINUTES.** Dr. Vander Broek asked if there were any changes to the agenda for the meeting today and the minutes from the March 20, 2023 regular meeting. Dr. Kuehn made a motion to approve the agenda, seconded by Ms. Cramer; voting yes: 11 (Bauer, Cramer, Crotty, Jackson, Kotopka, Kuehn, Reese, Rosenthal, Synhorst, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

**UPDATES, REPORTS**

Public Health Update – Charity Menefee reported that with Dr. Tesmer now onboard, and to be efficient with the Board’s time, she will plan to attend one Board of Health meeting per year, unless we request that she attend for a specific reason.

Ms. Menefee explained about the budget that was passed by the Unicameral. DHHS received funding to update systems like Vital Records, Cancer and Parkinsons registries, equipment at the Environmental Health lab for drinking water testing, and data modernization in general. Ms. Menefee also reported that during this legislative session, Public Health prepared impact summaries on 115 bills, monitored 35 bills, provided testimony on 13 and wrote letters on 17.

Dr. Tim Tesmer, Chief Medical Officer, Division of Public Health presented a handout on Xylazine, a non-opioid tranquilizer used in veterinary medicine that has been linked to a growing number of drug overdose death in the U.S. There were less than six related deaths in Nebraska in 2022. The handout is attached to these minutes.

Epidemiology – Dr. Matt Donahue provided a State Epidemiology Update, which is attached to these minutes. Syphilis continues to increase, including the number of babies being born with it. School age vaccine rates were reviewed; Nebraska stays approximately 3% higher than the national average.

Legislation – Nicole Barrett, JD, Director of Legislative Services. Even though it seems like a lot of bills were held up due to filibustering, there were still about the same numbers of bills

passed in past sessions.

Licensure Unit – Lindsay Braddock, Unit Administrator, reported on the 17 bills this session that impact the Licensure Unit. Several sets of rules and regulations were just signed and go into effect soon, but there are also now new sets identified to be drafted or updated to incorporate the new laws. The big news is the new licensing information system. Stabilization is the first effort, with the new system planned to be in place by 2025.

Public Records – Tom Skutt, DHHS attorney, presented on the history of the Nebraska public records law, and what exactly constitutes a public record. As an entity of the State, the Board of Health is subject to public records request. For ease of access, Mr. Skutt advised that official board work and personal communications be maintained separately. A copy of his presentation slides are attached.

Board of Health Chair – Dr. Vander Broek reported the following:

1. Professional board meetings: Board of Health members are each assigned as liaisons to various professional boards. They will let staff know in advance when they plan to attend a meeting. Upon arrival at a meeting, they will introduce themselves to the Board staff, and then to the full Board as the Board of Health liaison. This applies to both in-person and WebEx meetings. Board of Health members are allowed to remain during closed session meetings, and must comply with all rules of confidentiality.

Ms. Cramer attended the April 13, 2023 Board of Nursing meeting.

2. The documents for the meeting today were posted on the Sharepoint Partner site. Did anyone have any difficulty accessing this site?
3. At our September 18<sup>th</sup> meeting we will set our meeting dates for 2024, so please be prepared with your calendars. Later this afternoon we will discuss the location for that meeting.
4. We have three Board of Health members with terms expiring on August 1<sup>st</sup>: Dr Vest, who will be completing his second full term, and Dr. Kuehn and Mr. Rosenthal, who are both eligible to serve another term. As a reminder, all members are allowed and welcome to continue to serve as an active member until they are either replaced, or officially resign.

CenterPointe – Topher Hansen, JD, President/CEO, presented on their services and model of care. Since the late 1980s they have integrated mental health and substance abuse care into a whole health approach. His handout is attached to these minutes.

**Credentialing Review (407) Committee** – Mr. Rosenthal, Committee Chair, presented. <https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx> At the committee meeting, they discussed creating a subcommittee to review the credentialing review process. Dr. Crotty will take the lead on this, and other members will include Dr. Vander Broek, Mr. Rosenthal, and any other interested Board of Health members.

**Rules and Regulations Committee** – Dr. Bauer, Committee Member, reported.  
<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

1. Review the following proposed rules and regulations:

- 175 NAC 3 – Centers for the Developmentally Disabled – Mark Luger. The proposed regulations for 175 NAC 3 outline the minimum requirements that Centers for Developmental Disabilities facilities need to meet in order to be licensed to provide patient care in Nebraska. The regulation updates include removal of duplicative language in the previous regulations; remove language that is currently in statute; and provide up to date information and clarity for facilities and customers regarding the minimum requirements for Centers for Developmental Disabilities facilities. A public hearing was held May 1, 2023. No comments were received.
- 175 NAC 5 – Rules and Regulations for Adult Day Services. The proposed regulations will update requirements to criminal background and registry checks for prospective employees; ongoing training of staff; provision of medication by persons other than licensed health care professionals; and standards of operation, care, and services. Other proposed changes include removing duplicative statutory language and any repetitive language found in 175 NAC 1 from the regulations; removing guidance for agency staff from the regulations; updating definitions; updating formatting, and restructuring the regulations. A public hearing was held on May 1, 2023, there was no testimony provided in writing and no testimony at the hearing.
- 175 NAC 6 – Rules and Regulations for Children’s Day Health Services. The proposed regulations will remove duplicative statutory language and any repetitive language found in 175 NAC 1 from the regulations; update chapter name; update definitions; update requirements for standards of operation, care, and services; modify general requirements; update formatting and restructure the regulatory chapter. A public hearing was held on May 3, 2023, there was no testimony provided in writing and no testimony at the hearing
- 175 NAC 7- The proposed regulations will update requirements to criminal background and registry checks for prospective employees; update requirements for standards of operation, care, and services; update client and caregiver rights; specify requirements of discharge and transfer criteria; update physical plant standards; establish optional services and requirements. Other proposed changes include removing duplicative statutory language and any repetitive language found in 175 NAC 1 from the regulations; removing guidance for agency staff from the regulations; updating definitions, terminology, section headings, and formatting; removing attachments from the regulations; and restructuring the regulatory chapter. A public hearing was held May 4, 2023. There were no comments received.
- 175 NAC 18/19 – Mental Health Substance Use Facilities – Mark Luger. The proposed regulations combine 175 NAC 18 and 19 regulations that outline the minimum requirements that Mental Health Substance Use facilities need to meet in order to be licensed to provide patient care in Nebraska. The regulation updates

include removal of duplicative language in the previous regulations; remove language that is currently in statute; and provide up to date information and clarity for facilities and customers regarding the minimum requirements for Mental Health Substance Use facilities. A public hearing was held May 3, 2023. Comments were received and changes are being incorporated.

Dr. Bauer made a committee motion to approve the proposed rules and regulations. voting yes: 11 (Bauer, Cramer, Crotty, Jackson, Kotopka, Kuehn, Reese, Rosenthal, Synhorst, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

- Matt Gelvin provided an update on the status of draft regulations, which was shared. The Uniform Credentialing Act Regulation Status Report is available at: <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>

**Professional Boards Committee.** Ms. Jackson, Committee Chair, reported. They reviewed one application in the morning, and recommend the following appointment:

Board of Nursing:

Recommend Kathy Harrison, EdD, MSN, RN, from North Platte, for the Associate or Diploma Nurse Educator member for the term through November 30, 2024.

Recommend Adrienne Olson, DNP, RN, FACHE, from Roca, for the Nursing Service Administrator member for the term through November 30, 2023.

Ms. Jackson made a Committee motion to approve the recommendations. voting yes: 11 (Bauer, Cramer, Crotty, Jackson, Kotopka, Kuehn, Reese, Rosenthal, Synhorst, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

There are 29 planned professional board vacancies in 2023. The information is on the DHHS website.

We are still seeking applicants for a few professional member positions.

<https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

**Public Health, Education and Legislation Committee:** Dr. Kuehn, Committee Chair, reported.

Reviewed Legislative Bills of Interest to the Board of Health.

Caryn Vincent spoke at the morning committee meeting about responsibilities of DHHS staff versus the Board of Health members. We will draft a procedure about who will be responsible for what, how it can work, and the best ways for communication between members and staff. Any board members who want to participate in this subcommittee should contact Monica.

Dr. Kuehn will invite Senator Ben Hansen to a fall Board of Health meeting.

## **PUBLIC COMMENTS.**

- Alex Nester, MD, spoke via Webex about the Board of Health's March 20, 2023 statement regarding gender affirming care for transgender youth.
- Amy Reynoldson, representing the Nebraska Medical Association, spoke via Webex about the credentialing review process. She is working with a group of stakeholders about this process, and will ask that a Board of Health member be invited to serve on this group.

### **UNFINISHED BUSINESS.**

- Board of Health meeting outside of the State Office Building for the September 17, 2023 Professional Board interviews, and the September 18, 2023 meetings.
- Health Careers Pipeline Initiative: Stacey Ocander will present in September.
- Healthcare Workforce Issues – Mr. Reese will present in September.
- Location of September meeting will tentatively be at Bryan Medical Center West in Lincoln.

### **NEW BUSINESS.**

- At the September 18, 2023 meeting we will set the meeting dates for 2024.

**TOPICS AND PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be Monday, September 18, 2023.

**ADJOURN.** There being no further business, Dr. Kuehn made a motion to adjourn, with a second by Dr. Kotopka; all in favor by voice vote. The meeting adjourned at 3:36 PM. Minutes were taken by Monica Gissler and are scheduled for approval by the State Board of Health on September 18, 2023.

***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](mailto:monica.gissler@nebraska.gov). Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>*

Rev 6/15/23, mcg