

NEBRASKA STATE BOARD OF HEALTH MEETING
MINUTES – JANUARY 22, 2024

ATTENDANCE NOTIFICATION. David Reese, Chair, called a regular meeting of the State Board of Health to order at 1:00 PM on January 22, 2024, in the Goldenrod Conference Room in the Lower Level 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: Heather Cramer, RN; Russell Crotty, OD; Jaime Dodge, MD; Michael Kotopka, DDS; Mark Patefield, PharmD; David Reese, MHA; Daniel Rosenthal, PE; Robert (Bud) Synhorst; 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: Diane Jackson, APRN; John Kuehn, DVM; Donald Ostdiek, DPT

APPROVAL OF AGENDA AND MINUTES. Mr. Reese asked if there were any changes to the agenda for the meeting today and the minutes from the November 13, 2023 regular meeting. Dr. Vander Broek made a motion to approve the agenda and draft minutes, seconded by Dr. Vest; voting yes: 11 (Cramer, Crotty, Dodge, Kotopka, Patefield, Reese, Rosenthal, Synhorst, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

UPDATES, REPORTS

Dr. Tim Tesmer, Chief Medical Officer, Division of Public Health reported that there were 76 legislative bills introduced that have a direct impact on Public Health. He also shared that Dr. Donahue reported that both Covid cases and hospitalization rates are down to 160 from 210 in late December.

Dr. Tesmer also referenced the 12-hour public hearing that was held on November 28, 2023 for the draft regulations to implement LB 574.

Licensure Unit – Lindsay Braddock, Unit Administrator, reported on the Licensing Information System updates and said that they hope to add an email feature.

Board of Health Chair – Mr. Reese reported the following:

1. Has anyone attended any professional board meetings that they would like to report on?

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. When you arrive at the meeting, please make a point of introducing yourself 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.

2. Dina Mekic has transferred out of the Licensure Unit. Lindsay is covering her workload while they recruit a new Program Manager for Behavioral Health and Consumer

Services. DHHS attorney Teresa Hampton has retired, and CJ Roberts is now providing legal expertise to the Board of Health.

3. Be on the lookout next month for the annual Statements of Accountability and Disclosure to come out, and please pay prompt attention to submitting yours.
4. Reminder to respect the confidentiality requirements of the closed committees and processes connected with that, including committee meeting materials.
5. Please keep in mind when your contact information or license plate number changes to update Monica. There is a current public roster circulating to verify your information on.
6. Mr. Reese reviewed the Board of Health Mission Statement:

Mission Statement: The Board of Health promotes and protects the health and safety of all people in Nebraska by providing expertise and advice on health issues, with input from health care providers and the public, to the Nebraska Department of Health and Human Services and others regarding:

- Regulatory and legislative issues
- Professional boards
- Educational health programs
- Public health assessment, policy development, and assurance
- Communication/coordination

Credentialing Review – Mr. Rosenthal, Committee Chair, presented.

<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx> At the committee meeting, they discussed the subcommittee recommendations for the credentialing review process. The revised document will be on the agenda for approval at the March 11th Board of Health meeting.

There has been an application for a credentialing review for Occupational Therapy. The start date, per the applicant group, will not be until Fall 2024.

Rules and Regulations Committee – Dr. Dodge, Committee Chair, reported.

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

1. Review the following proposed rules and regulations:

- 175 NAC 24 – PACE Center Regulations

https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2653

The proposed adoption of this chapter establishes the definitions; standards; and requirements for all PACE (Programs of All-Inclusive Care for the Elderly) Centers. The standards and requirements set initial and renewal licenses and reinstatement from expired status; licensure fees and inspections; general requirements; notifications to the Department; supervision of parent and satellite locations; standards of operation and care; documentation and recordkeeping; and physical plant standards.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

A public hearing was held on May 22, 2023, there was testimony provided in writing and testimony at the hearing.

- 172 NAC 17 – Licensure of Athletic Trainers

https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2694

The proposed regulations update definitions; update educational requirements for initial licensure as an athletic trainer; set requirements to practice dry needling; set requirements for the use of emergency medication; revise acceptable continuing education program activities and non-acceptable continuing education; remove minimum score of 500 for documentation of successfully passing the licensure examination; clarify language; renumber the regulatory chapter; correct punctuation; and correct acronyms.

The first public hearing was held June 30, 2023. There were five comments received at the hearing. The Board of Athletic Training reviewed each comment and recommended to the Department to add proposed changes.

After the first hearing, proposed changes were incorporated and determined to be substantiative. These changes included adding a definition of “Therapeutic Intervention”, correcting all citations of the Board of Certification, INC (BOC), and typographical errors.

A second public hearing was held November 7, 2023. There was one comment received at the hearing with no recommended changes to the chapter.

The Board of Athletic Training met on November 28, 2023 and voted to adopt Title 172 NAC 17, Licensure of Athletic Training.

Dr. Dodge made a committee motion to approve the proposed rules and regulations for 175 NAC 24 and 172 NAC 17. voting yes: 11 (Cramer, Crotty, Dodge, Kotopka, Patefield, Reese, Rosenthal, Synhorst, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

- 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 almost 700 pages long.

Dr. Dodge made a committee motion to approve the proposed rules and regulations for 181 NAC 8. voting yes: 11 (Cramer, Crotty, Dodge, Kotopka, Patefield, Reese, Rosenthal, Synhorst, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

Professional Boards Committee. Dr. Crotty, Committee Chair, reported. They conducted 10 interviews in the morning and recommend the following appointments.

Board of Behavioral Analysts

Victoria Bock, MA, BCBA, from Omaha, for the term through November 30, 2026
Lori Nickels, MBA, BCBA, from Beatrice, for the term through November 30, 2027
Steven Taylor, PhD, from Omaha, for the term through November 30, 207

Board of Hearing Instrument Specialists

Scott Jones, BC-HIS, from Omaha, for the term through November 30, 2028

Board of Massage Therapy

Holly Doring, LMT, from Wayne, for the term through November 30, 2028

Board of Mental Health Practice

Adrian Martin, MS, CMFT, LIMHP, from Omaha, for the term through November 30, 2028

Board of Psychology

Katherine Linder, PhD, from Omaha, for the term through November 30, 2027

Dr. Crotty made a committee motion to approve the proposed professional board appointments. voting yes: 11 (Cramer, Crotty, Dodge, Kotopka, Patefield, Reese, Rosenthal, Synhorst, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

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 – Dr. Patefield, Committee Chair, reported. In the morning committee meeting they reviewed the legislative bills introduced this session. There are 29 bills of interest to the Board of Health. The two bills identified as priority to the Board of Health are LB 857 to Create the Nebraska Prenatal Plus Program and LB 1232 to Prohibit certain actions under the Pharmacy Benefit Manager Licensure and Regulation Act.

Dr. Patefield made a committee motion to submit statements of support for LB 857 and LB 1232. Voting yes: 11 (Cramer, Crotty, Dodge, Kotopka, Patefield, Reese, Rosenthal, Synhorst, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS.

- Greg Brown, Professor of Kinesiology and Sport Sciences at the University of Nebraska at Kearney, spoke to share his thoughts about Title 181 NAC 8 regarding the regulation of nonsurgical pharmaceutical gender altering treatments. He clarified that he was sharing his own opinions and was not representing UNK.
- Katrina Tomsen Burnhardt, OD, spoke about the regulations for the Radiation Control Act, and her efforts to have it repealed. Specifically, she spoke about the harmful affects of nonionizing radiation.

UNFINISHED BUSINESS.

- Healthcare Workforce Issues – Mr. Reese presented. The letter to Senator Arch was sent on December 5, 2023.
- Nebraska Medical Association Workgroup on Credentialing Review – Dr. Vander Broek reported that this group has not met since the last Board of Health meeting. He thanked Amy Reynoldson and the NMA for their work on this project.

NEW BUSINESS.

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. Crotty made a motion to adjourn, with a second by Dr. Kotopka; all in favor by voice vote. 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>

1/31/24, mcg