

**NEBRASKA STATE BOARD OF HEALTH MEETING**  
**DRAFT MINUTES – January 24, 2022**

**ATTENDANCE NOTIFICATION.** The Chair, Dr. Timothy Tesmer, called a regular meeting of the State Board of Health to order at 11:00 AM on January 24, 2022 in Conference Room Lower Level B 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. The following members were present: Russell Crotty, OD; Shane Fleming, MSN, RN; Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; David Reese, MHA; Daniel Rosenthal, PE; Robert (Bud) Synhorst, MEd; Timothy Tesmer, MD; Doug Vander Broek, DC; Dan Vehle. Quorum met.

Staff and others in attendance: Matt Gelvin, Monica Gissler

Board members not in attendance: Joel Bessmer, MD; Diane Jackson, APRN; Colton Palmer, PMHNP; Mark Patefield, PharmD; Joshua Vest, DPM.

**Public Health, Education and Legislation Committee:** Dr. Kuehn, Committee Chair, called the meeting to order, and introduced Senator John Arch, Chair of the HHS Legislative Committee.

- Senator Arch spoke on the following topics:
  - Role of the HHS Legislative Committee Chair
  - How has the Board of Health has been helpful in the past
  - Ideas on how the Board of Health can better assist the HHS Committee or lawmakers in general
  - The value of the Credentialing Review program

***BREAK*** from 11:52 AM to 12:30 PM.

The following members were present: Russell Crotty, OD; Shane Fleming, MSN, RN; Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; David Reese, MHA; Daniel Rosenthal, PE; Robert (Bud) Synhorst, MEd; Timothy Tesmer, MD; Doug Vander Broek, DC; Dan Vehle; Joshua Vest, DPM. Quorum met.

Staff and others in attendance: Ryan Burbach, Matt Gelvin, Monica Gissler

Board members not in attendance: Joel Bessmer, MD; Diane Jackson, APRN; Colton Palmer, PMHNP; Mark Patefield, PharmD.

- Presentation on Open Meetings Act – Teresa Hampton, DHHS Legal Services. LB 83 (2021) changed the laws for the conduct of public meetings being held virtually. Ms. Hampton reviewed this and the Open Meetings Act as a whole.

**APPROVAL OF AGENDA AND MINUTES.** Dr. Tesmer asked if there were any changes to the agenda for the meeting today and the minutes from November 15, 2021, and December 13, 2021. Dr. Kuehn made a motion to approve the agenda, seconded by Dr. Vest; voting yes: 12 (Crotty, Fleming, Kotopka, Kuehn, Ostdiek, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

## **UPDATES, REPORTS**

Public Health Update – Ms. Wisell was unable to attend the meeting.

Legislation – Ms. Lowe shared an update on the bills passed, the Interim Studies, and the impact to DHHS. There was a handout on the upcoming legislative studies and hearings. They presented an overview of the legislative process within DHHS, and asked how they could be of most benefit to the Board of Health.

Dr. Gary Anthone, Chief Medical Officer, Division of Public Health.

- DHHS Organization and recent changes
- How the Board of Health can / should function in an advisory capacity

Board of Health Chair – Dr. Tesmer reported the following:

1. Professional board meeting attendance:  
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. We need to schedule a special meeting scheduled for rules and regulations in February. This will be a brief meeting by telephone.
3. We appreciate Senator Arch joining us earlier today, and the work from Dr. Kuehn and Mr. Fleming in setting that up.
4. Dr. Muhammad Salman Ashraf joined DHHS as director of the Nebraska DHHS Healthcare Associated Infections/Antibiotic Resistance (HAI/AR) program, which focuses on reducing healthcare associated infections within the Division of Public Health. We will invite him to a Board of Health meeting once he settles in.

**Public Health, Education and Legislation Committee:** Dr. Kuehn, Committee Chair, reported. The Legislative session began January 5, and will conclude on April 20, 2022. The PHEL Committee held a conference call on January 19 to review introduced bills.

LB	Sponsor	Committee & Hearing date	BOH Liaison	Content & Amendments
709	McCollister	GOV 2/3/22	Vander Broek	Change requirements relating to preliminary applications under the Occupational Board Reform Act.
752	Arch	HHS 2/2/22	Synhorst	Redefine respiratory care under the Respiratory Care Practice Act.
767	Kolterman	Banking 1/24/22	Patefield	Adopt the Pharmacy Benefit Manager Licensure and Regulation Act.
770	Day	HHS 2/2/22	Kotopka	Change membership of the Board of Dentistry.

812	Hilkeman	HHS 2/2/22	Patefield	Provide for vaccine administration by pharmacy technicians.
1106	Day	HHS 2/25/22	Vehle Fleming	Change provisions of the Mental Health Practice Act.

Call for vote on motion to approve the above listed legislative bills as Category 1 action bills - voting yes: Voting yes: 12 (Crotty, Fleming, Kotopka, Kuehn, Ostdiek, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

Dr. Kuehn left the meeting.

**Credentialing Review (407) Committee** – Mr. Fleming, Committee Chair, presented. <https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

Mr. Synhorst served as Chair of the Technical Review Committee for Respiratory Therapy, and he provided an overview of their process. That committee was unanimous in their support for the proposal. Heather Nichols, President of NSRC, explained that their scope of practice has not been updated since it was created in statute in 1986.

- Committee motion to approve recommendations for the report on the Respiratory Therapy proposal. Voting yes: 11 (Crotty, Fleming, Kotopka, Ostdiek, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.
- The next meeting for Applied Behavior Analysts will be on February 10, 2022.

**Rules and Regulations Committee** – Mr. Vehle, Committee Vice Chair, reported. Proposed regulations for Emergency Medical Services were reviewed with staff during the morning committee meeting. There will be a public hearing on January 27, 2022, then the Board of Emergency Medical Services will review them on February 11, 2022. The Board of Health is not taking any official action on these proposed regulations today. <https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

**Professional Boards Committee**. Dr. Crotty, Committee Vice Chair, reported. They conducted one interview in person in the morning.

Board of Respiratory Care Practice:

Marcie Wyrens, RRT, of Lincoln was appointed for the partial term January 24, 2022 through November 30, 2026.

Dr. Crotty made a Committee motion to approve the appointment and recommendations. Voting yes: 11 (Crotty, Fleming, Kotopka, Ostdiek, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

We are still seeking public members for Dentistry; Funeral Directors and Embalmers;

Hearing Instrument Specialists; and Medical Nutrition Therapy, along with a few professional positions. <https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

**PUBLIC COMMENTS.** None.

**UNFINISHED BUSINESS.** None.

**NEW BUSINESS.**

- Presentation on the Nebraska Palliative Care and Quality of Life Advisory Council by Andrew Macfadyen, MD, Medical Director at Children's Hospital and Medical Center, PICU. Palliative care is provided by a specially trained team of doctors, nurses and other specialists who work together with a patient's other doctors to provide an extra layer of support. It is based on the needs of the patient, not on the patient's prognosis. This advisory council makes surveys palliative care providers regarding best practices and makes recommendations to DHHS, which then goes on the website. <http://dhhs.ne.gov/Pages/Palliative-Care.aspx>

**TOPICS AND PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be March 21, 2022 in Lincoln. Location is the Nebraska State Office Building.

**ADJOURN.** There being no further business, Mr. Synhorst made a motion to adjourn, with a second by Mr. Vehle; all in favor by voice vote. The meeting adjourned at 2:30 PM. Minutes were taken by Monica Gissler, and are scheduled for approval by the State Board of Health on March 21, 2022.

***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>*

2/17/22, mcg