

NEBRASKA STATE BOARD OF HEALTH MEETING
MINUTES – September 19, 2022

ATTENDANCE NOTIFICATION. Dr. Timothy Tesmer, Chair, called a regular meeting of the State Board of Health to order at 1:00 PM on September 19, 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 and bulletin board. The following members were present: Doug Bauer, DO; Heather Cramer, RN; Russell Crotty, OD; Jaime Dodge, MD; Diane Jackson, APRN; John Kuehn, DVM; Donald Ostdiek, DPT; Mark Patefield, PharmD; David Reese, MHA; Daniel Rosenthal, PE; Timothy Tesmer, MD; Doug Vander Broek, DC; Joshua Vest, DPM. Quorum met.
Staff and others in attendance: Monica Gissler, Ryan Burbach
Board members not in attendance: Michael Kotopka, DDS; Robert (Bud) Synhorst; Dan Vehle.

APPROVAL OF AGENDA AND MINUTES. Dr. Tesmer asked if there were any changes to the agenda for the meeting today and the minutes from June 13, 2022. Dr. Kuehn made a motion to approve the agenda, seconded by Ms. Jackson; voting yes: 13 (Bauer, Cramer, Crotty, Dodge, Jackson, Kuehn, Ostdiek, Reese, Rosenthal, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

UPDATES, REPORTS

Dr. Gary Anthone, Chief Medical Officer, Division of Public Health presented. Covid was the major topic: when to expect a surge, who is and isn't getting vaccinated and/or boosted, and what the hospital occupancy rates are. He shared data on ventilators usage. The BA2 variant patients are needing fewer ventilators. <https://dhhs.ne.gov/Pages/Coronavirus.aspx>

Executive Order No. 22-02, which is currently scheduled to expire on September 30, 2022, shall remain in effect through December 31, 2022, and is now referred to Executive Order No. 22-05, Continued Waivers to Facilitate Hospital Planning and Ensure Additional Healthcare Workforce Capacity.

<https://govdocs.nebraska.gov/docs/pilot/pubs/eofiles/22-05.pdf>

Legislation – Introduced Nicole Barrett, JD, the new Director of Legislative Services.

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

1. 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.

Dr. Tesmer attended the Board of Hearing Instrument Specialists meeting on July 15, 2022.

2. We have two new members of the Board of Health:
Heather Cramer, RN, replacing Shane Fleming.
Jaime Dodge, MD, replacing Joel Bessmer.
3. Nicole Barrett is the new DHHS Director of the Office of Legislative Services. Bryson Bartels left DHHS and now works over at the Legislature.
4. Later this afternoon we will schedule our meeting dates for 2023.
5. In November we will have our annual election of officers. Please let Monica is you would like to be considered and have your name placed on the ballot.
6. Annual Committee reports are due in November.
7. Is there anyone else you would like to have invited to a meeting for a presentation or discussion? We discussed in June to have a presentation in November about the workforce shortage in healthcare, and managing millennial professions.
8. It is time for a review of the Board of Health By-Laws. A committee was formed: Reese, Rosenthal, Tesmer, Vander Broek, Gissler. A draft will be presented at the November 14, 2022 meeting.

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

- Approval of the Credentialing Review Committee report on the Optometry Technical Review report. Go to the Credentialing Review website for the full report.

Voting yes to approve the proposal: 5 (Crotty, Jackson, Ostdiek, Vander Broek, Vest); voting no: 5 (Bauer, Kuehn, Patefield, Reese, Tesmer); not voting: 3 (Cramer, Dodge, Rosenthal). Tie vote, motion not carried. This issue will be revisited at the November 14, 2022 Board of Health meeting.

- The third meeting for pharmacy technicians was held October 26, 2022. Dr. Vander Broek is serving as Chair.
- The fourth meeting of the Applied Behavior Analysts technical review committee was held August 12, 2022, with David Reese serving as Chair, and the final meeting will be October 5, 2022.
- The Anesthesiologist Assistants Credentialing Review met on August 25, 2022, and will next meet on October 19, 2022, with Dan Vehle serving as Chair.

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

1. Review the following proposed rules and regulations:

- 172 NAC 44, Practice of Body Art and 172 NAC 45, Body Art Facilities – Repeal <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2564.pdf>
- 172 NAC 46 – Safety, Sanitation and Sterilization Relating to Body Art Facilities – Repeal.
The proposed changes will streamline the regulations by removing all duplicative statutory language from the regulations; remove any repetitive regulatory language that is found in 172 NAC 9 and 10; and combine the current Chapters 44, 45, and 46 into one chapter of regulations. The proposed changes will also require body art facilities to complete a self-inspection; clarify language; update requirements relating to sanitation and safety for body art facilities; reduce the required amount of continuing education hours for license renewal; update statutory references; remove requirement of first aid training for license renewal; require passage of jurisprudence examination to be licensed as a body artist; update definitions; and update formatting.
- 174 NAC 1 – Compilation of Information Submitted on Abortion Reporting <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2428.pdf> These regulations are intended to implement the law governing the compilation of the information that is submitted on the abortion reporting and consent forms pursuant to Nebraska Revised Statutes §§ 28-343, 28-3,107, and 71-6909. Language that was duplicate or regulated the department was removed from the regulations. The public hearing was held August 16, 2021. There were no oral, written or emailed comments submitted for this hearing in favor or in opposition. Following this hearing there were minor non substantive edit made to this regulation.
- 178 NAC 24 – Methamphetamine Cleanup – Doug Gillespie <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2557.pdf>. These regulations govern the procedures that a property owner must follow in the decontamination of contaminated property.
The proposed changes reflect the current format and removes obsolete or redundant language. The public hearing was held August 4, 2022. No oral comments, no written comments, and no emailed comments were received.
- 180 NAC 13 – Transportation of Radioactive Material – Becki Harisis <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2563.pdf>. Title 180 NAC 13 governs the packaging, preparation for shipment, and transportation of radioactive material by any licensee authorized to receive, possess, use, or transfer licensed material if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage or transports that material on public highways. The proposed changes are needed to comply with U.S. Nuclear Regulatory Commission requirements; correct any typographical errors and incorrect references; and update formatting. The public hearing was held August 25, 2022. There were no oral or written comments, emails, or letters submitted for this hearing. No opposing testimony was presented.
- 180 NAC 24 – Physical Protection of Radioactive Material – Becki Harisis <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2561.pdf>. Title

180 NAC 24 requires special controls focusing on high-risk radioactive sources to prevent unauthorized access, theft, or diversion. The chapter includes detection and reporting requirements of actual or attempted unauthorized use of high-risk radioactive materials and security requirements during transportation. The proposed changes are needed to comply with U.S. Nuclear Regulatory Commission requirements; correct any typographical errors and incorrect references; and update formatting. The public hearing was held August 25, 2022. There were no oral comments or letters submitted for this hearing. No opposing testimony was presented. Written testimony was received regarding the packing tracking system.

- 178 NAC 22 – Asbestos Projects <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2565.pdf>. These regulations govern the professions and occupations, businesses, training courses, and standards for asbestos activities. The proposed changes reflect the current statutes and remove obsolete or redundant language. The public hearing was held August 29, 2022. No oral comments, no written comments, and no emailed comments were received.

Dr. Vest made a committee motion to approve the proposed rules and regulations. Voting yes: 13 (Bauer, Cramer, Crotty, Dodge, Jackson, Kuehn, Ostdiek, Reese, Rosenthal, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

2. UCA Regulation Status Report – <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi> -- Kris Chiles and Sue Medinger.

Professional Boards Committee. Ms. Jackson, Committee Chair, reported. They conducted 15 interviews in the morning, and recommend the following appointments:

Board of Advanced Practice Registered Nurses

Andrew Ingemansen, MD, from Elkhorn, was appointed as a Physician member.

Jenda Stauffer, APRN-CNM, from Elkhorn, was reappointed as the Certified Nurse Midwife member.

Board of Alcohol and Drug Counseling

Jill Colegrove, LIMHP, LMHP, LADC, LPC, from Columbus was reappointed as an ADC and Mental Health Practitioner member.

Board of Cosmetology

Joann Williams, from Lincoln, was appointed to the Esthetician member position.

Marie Nordboe, from Ames, was reappointed as a Cosmetologist member.

Board of Hearing Instrument Specialists

Cameron Ellison, HIS, COHC, from Grand Island, was appointed as an HIS member.

Board of Medical Radiography

Michael DeWitt, RT(R), from Lincoln, was appointed as a Medical Radiographer member.

Anita Menousek, from Omaha, was appointed as a Limited Radiographer member.

Board of Medicine and Surgery

John Massey, MD, from Lincoln, was reappointed as a Physician member.

Board of Occupational Therapy Practice

Alfred Bracciano, EdD, OTR/L, from Papillion, was reappointed as an OT member.

Ms. Jackson made a Committee motion to approve the appointments and recommendations. Voting yes: 13 (Bauer, Cramer, Crotty, Dodge, Jackson, Kuehn, Ostdiek, Reese, Rosenthal, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

There will be a few interviews conducted on November 14th.

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. They discussed options for meeting with the HHS Committee and other newly elected senators in January, 2023.

- Subgroup Updates
 - Cannabis Bill – Dr. Kuehn distributed a draft statement, which will be reviewed and voted on at the November 14, 2022 meeting.
 - Child Covid Vaccines – “Max the Vax” was discussed. They will continue monitoring this topic. Dr. Bauer and Mr. Reese will follow up.
 - Legislative Communication Strategies – Caryn Vincent will meet with the committee on November 14, 2022.

PUBLIC COMMENTS. None.

UNFINISHED BUSINESS.

NEW BUSINESS.

- Schedule 2023 Board of Health meeting dates:
 - January 17, 2023
 - March 20, 2023
 - June 12, 2023
 - September 18, 2023
 - November 13, 2023

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be November 14, 2022 in the Nebraska State Office Building in Lincoln.

ADJOURN. There being no further business, Ms. Jackson made a motion to adjourn, with a second by Mr. Reese; all in favor by voice vote. The meeting adjourned at 2:23 PM.

Minutes were taken by Monica Gissler and are scheduled for approval by the State Board of Health on November 14, 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.
Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>*

9/26/22, mcg