

*Report of the  
Nebraska State Board of Health  
For 2007*

**Staffed by the  
Department of Health and Human Services  
Division of Public Health**

# NEBRASKA STATE BOARD OF HEALTH

Annual Report for 2007

Adopted January 28, 2008

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## ***GUIDING PRINCIPLES***

***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

***Vision:*** Healthy people in a healthy Nebraska.

## 2008 BOARD OF HEALTH EXECUTIVE COMMITTEE



Executive Administrator David Montgomery; Secretary Bob Sandstrom, PhD, PT;  
Chair Linda Lazure, PhD, RN; and Vice Chair Gary Westerman, DDS  
November 19, 2007

## CHANGES IN BOARD OF HEALTH MEMBERSHIP

### Dale Michels, M.D.

Governor Heineman appointed Dr. Michels on December 17, 2007 to fulfill the medical doctor term on the State Board of Health that was vacated by Dr. Les Spry. Dr. Spry resigned to serve as President Elect of the Nebraska Medical Association. Dr. Michels is a Family Physician in Lincoln, and has served as Clinical Assistant Professor, Department of Family Practice, UNMC since 1994. He serves as Medical Director at three nursing homes in Lincoln and Ashland. He received his B.A. in Medicine in 1970 from University of Nebraska and his Doctor of Medicine in 1973 from University of Nebraska Medical Center. Dr. Michels completed a one-year rotating internship at Bryan Memorial Hospital in Lincoln in 1974. He is a Diplomate of the American Board of Family Medicine, a Fellow of the American Academy of Family Physicians, and has a Certificate of Added Qualifications in Geriatric Medicine. Dr. Michels served as a Medical Consultant to the Community Blood Bank of Lancaster County Medical Society from 1992-2007, and as Medical Director for Nebraska Foundation for Medical Care from 1999-2007. He is a member of the Phi Chi Medical Fraternity. Dr. Michels is a member of numerous professional associations, including the Nebraska Chapter of the American Academy of Family Physicians, Lancaster County Medical Society, Nebraska Medical Association, and the Christian Medical Society. He is the founder of the "Doctor of the Day" at the Nebraska Unicameral Legislature. He presents and coordinates "For Your Better Health" on weekly KOLN/KGIN Television. Dr. Michels served on the State of Nebraska Excellence in Health Care Trust Fund Council from 1999-2005. He was the Nebraska Family Physician of the Year in 1999-2000, and is an Eagle Scout. Dr. Michels resides in Walton, and is married to Roylene and has three grown children.



Dale Michels, M.D.



Dr. Lazure presents Dr. Spry  
his Nebraska Navy Admiralship  
November 19, 2007

*Chairman's Report*  
*Nebraska State Board of Health - 2007*  
*Linda Lazure, PhD, RN*

In 2007, members of the Board of Health (BOH), representing a variety of health care providers and the public, continued to serve the citizens of Nebraska by providing expertise and advice on health issues to the Nebraska Department of Health and Human Services (DHHS). The Board's vision, "healthy people in a healthy Nebraska", has guided our mission as we promote and protect the health and safety of Nebraska citizens in the following areas:

- *Regulatory and legislative issues*
  - The Rules and Regulations Committee reviews regulations that are slated for either approval or review by the Board of Health. The committee is anticipating approving the regulations that will need to be reviewed following the successful passage of the Uniform Credentialing Act (UCA).
  - The Credentialing Review Committee, which reviews credentialing or scope of practice proposals, has been challenged by another year of impressive assignments. The Committee report will detail this extensive activity. Besides special committees and extra meetings, the members have kept informed of the Nebraska Credentialing Reform (NCR) and Periodic Regulatory Evaluation Process (PREP) in order to advise the full Board of Health.
  - The Public Health, Education and Legislation (PHEL) Committee provides a forum for the discussion of legislative issues
    - At most Board of Health meetings, a DHHS representative updates the members about legislative issues.
    - Members share their profession's views of legislative issues and work collectively to craft positions that the entire board can support.
  - This year I have provided testimony, on behalf of the Board, to the Unicameral's Health and Human Services Committee for LB 194 and 463, and sent letters to all senators on LB 395, the Clean Indoor Act, and to the HHS Legislative Chair regarding LB 49 (Mercury Vaccine and Drug Act), LB 245 (Fluoride in drinking water), and LB 270 (Student Loan Act).
- *Professional Boards*
  - The Professional Boards Committee has been working diligently to increase the efficiency of the interview process while providing a welcoming atmosphere for applicants during the interviews.
  - I am so grateful – and impressed – regarding the amount of time and effort that so many of the Board members generously donated to this entire process.

- As a former chair of this committee, I continue to be active and attend each regular meeting and participate in every interview session.
- Each Board member is strongly encouraged to serve as a liaison to specific professional boards and provide information to the rest of the committee and Board. I have attended meetings of the Boards of Nursing, Advanced Practice Nursing, and Cosmetology this year. I was able to network with other board members at the August “All Boards” meeting when I presented a small portion of the morning program.
- *Educational health programs*
  - Besides providing a legislative discussion forum, the Public Health, Education and Legislation (PHEL) Committee offers a mechanism for ongoing board member development by scheduling presentations over topics related to public health assessment, policy development, and public health assurance.
  - The PHEL committee can recognize public health programs and providers who offer exemplary service via the Community Public Health Recognition program.
  - The Board of Health is very interested in helping educate the public about pertinent health issues that exist in this multi-faceted state.
  - As in previous years, the Committee has provided educational opportunities during the annual “out-of-Lincoln” meeting, which include tours of local hospitals and meetings with local public health professionals. This year’s meeting was held at St. Mary’s Community Hospital in Nebraska City.
- *Public health assessment, policy development, and assurance*
  - Several members continue to serve through Nebraska Credentialing Reform, Nebraska Center for Nursing Board, Turning Point, Public Health Law Committee, as well as other policy boards.
  - Besides participating in the work of the standing committees, three members serve at a time on an ad hoc Review Panel that investigates when an issue concerning a professional board arises. When presented to the Board of Health, the Review Panel becomes “prosecutors” and the rest of the BOH becomes “jurors”. Fortunately, this panel has not had to meet this past year.
  - The Board of Health is grateful to the DHHS staff members who continue to educate the members about the intricacies of public health.

- *Communication / coordination*
  - In January, the Board of Health invited key senators and legislative staff to a luncheon at the Nebraska Bar Foundation. The exchange of information and collegiality surpassed luncheons held in previous years and provided an educational opportunity for new senators as they began their terms. The Board of Health members hope to continue to provide them with advice on health care issues to all members of the Unicameral.
  - The BOH plans to continue to build communication bridges with professional boards and chairs. Several incumbent professional board members shared concerns about investigative timelines and decisions and provided the Board of Health with data for subsequent conversations with Department officials to help address those issues.

The Board's role in the Department of Health and Human Services continues to be defined and developed. Members look forward to providing input as the Department moves forward with reorganization. The members are appreciative of Dr. Schaefer's leadership and are optimistic about working with Dr. Joe Acierno, the new Deputy Chief Medical Officer.

The people of Nebraska continue to be well served by the Board of Health. The Board continues to be committed to the citizens of Nebraska and, through its very dedicated members, continues to provide very important services to the citizens of this state. In addition, the DHHS staff continues to provide excellent support to make this possible, and we all applaud and thank them for their service.

Sincerely,



Linda Lazure, PhD, RN  
Chairperson  
Nebraska State Board of Health

## **2008 BOARD OF HEALTH FACT SHEET**

### **STATUTORY AUTHORITY:**

- N.R.S. 71-2601 through 71-2611 (Revised July 1, 2007).

### **MEMBERSHIP and MEETINGS:**

- 17 members appointed by the Governor for five year terms. One new member, Dale Michels, MD, was appointed in December 2007 following resignation of Les Spry, MD. Five members' terms expire in 2008.
- 3 officers re-elected during November meeting.
- Meetings held the third Monday of odd months, except fourth Monday in January.
- September 2007 the Board met in Nebraska City. September 2008 in Kearney.

### **PROFESSIONAL BOARD APPOINTMENTS:**

- 106 applicants; 62 interviewed; 36 appointed in 2007.
- Met with 4 professional board chairs.

### **RULES AND REGULATIONS:**

- 17 sets approved; 7 sets reviewed in 2007. Anticipate 60 sets in 2008.
- Received a presentation on the 150 mile nursing home administrator rule.

### **CREDENTIALING REVIEWS:**

- Currently underway: Gamblers Assistance Counselors; Dental Assistants; and Macro Social Workers. Reviews for Perfusionists and for Speech Language Pathologists were completed in 2007, and Certified Registered Nurse Anesthetists in early 2008.

### **PUBLIC HEALTH, EDUCATION & LEGISLATION:**

- Researched initiatives to develop position statements and prepare news articles.
- Received regular presentations by Bryson Bartels, DHHS Legislative Liaison.
- Issued press releases regarding Public Health Month and healthy habits.

### **REPRESENTATION ON OTHER COMMITTEES:**

- Nebraska Center for Nursing
- Nebraska Credentialing Reform: steering committee and various work teams
- PREP (Periodic Review and Evaluation Process) for Respiratory Therapists
- Nebraska Rural Health Advisory Committee
- Turning Point Public Health Collaboration
- State Trauma Board
- Public Health Law Team

### **CONTACT INFORMATION:**

- David Montgomery, Executive Administrator or Monica Gissler, Health Program Manager
- Telephone 402/471-6515; Fax 402/471-0383
- Email [monica.gissler@dhhs.ne.gov](mailto:monica.gissler@dhhs.ne.gov)
- Web site: <http://www.dhhs.ne.gov/reg/bdhealth.htm>
- Address: State Board of Health, Division of Public Health, Licensure Unit, RPQI, P.O. Box 95007, Lincoln, NE 68509-5007 (301 Centennial Mall South, 3<sup>rd</sup> floor)



## *Highlights of the Nebraska State Board of Health For Year 2007*

The Nebraska State Board of Health worked harder than ever during 2007. They conducted six regular meetings, including one held in Nebraska City. There was a separate meeting for the Public Health, Education and Legislation Committee to review bills introduced at the start of the session. The Professional Boards Committee conducted interviews of professional board applicants on two non-regular meeting days, in addition to regularly scheduled committee meetings held on the public meeting days. Members assigned to the Credentialing Review Committee and their Technical Review Committees had several meetings to attend. There were also several separate meetings of Board members to meet with their professional associations, professional boards, community organizations, legislative representatives, and the Department of Health and Human Services leadership.

On November 19, 2007, Dr. Lazure was re-elected to her third one-year term as Chair, Dr. Westerman was elected to his first term for the position of Vice Chair, and Dr. Sandstrom was re-elected as Secretary for 2008.

Dr. Les Spry, one of the two physician members on the Board, resigned his position effective December 1, 2007 to avoid any conflicts with his new role as President Elect of the Nebraska Medical Association. On December 17, 2007 Governor Heineman appointed Dr. Dale Michels of Walton to fill the remainder of this term. Staff for the Board remains the same: David Montgomery continues as the Executive Administrator, and Monica Gissler continues as the Program Manager. Committees are staffed by Ron Briel (Credentialing review), Joyce Davidson (Rules and Regulations), Monica Gissler (Professional Boards), and Jeff Soukup (Public Health, Education and Legislation). With the July 2007 reorganization of the Department, the Board of Health is now staffed by the Division of Public Health, Licensure Unit, Research, Policy and Quality Improvement (RPQI) Section.

On January 22<sup>nd</sup> Board of Health members again hosted a legislative luncheon at the Nebraska Bar Foundation in Lincoln. Members of the Health and Human Services Legislative Committee and key staff were invited. There was a nice turn out by members and legislators alike, once again proving the dedication of service to Nebraska. This meeting was a good opportunity to meet several of the new senators, and to provide some education on Board of Health activities, especially the Credentialing Review Program.

The Board met at St. Mary's Community Hospital in Nebraska City on September 24<sup>th</sup>. Professional Board interviews were conducted the previous day at a more convenient location in Lincoln. Good Samaritan Hospital in Kearney will host the Board of Health for the September 15, 2008 meeting. When the Board of Health meets outside of Lincoln, they still conduct all regular Board business, including scheduling a day to conduct professional board interviews.

Several Board of Health members attended the DHHS Division of Public Health, Licensure Unit's "All Boards Meeting" held on August 17<sup>th</sup> in Omaha. The topic was "Criminal Background Checks and Professional Licensure Discipline." This annual meeting is an excellent opportunity for board members and staff at all levels to network with professional board members and staff, receive training and hear about issues with wide impact. Dr. Lazure presented an overview of the relationship between the Board of Health and the professional boards.

Dr. Augustine attended the New Professional Board Member Orientation session conducted by Licensure Unit staff in Lincoln in December. He provided an overview of Board of Health activities as they relate to professional board members.

Dr. Linda Lazure serves on the Nebraska Credentialing Reform Implementation Team for Health Care Professionals. After 10 years, their last meeting was held in August 2007. In addition, two members (Pam List and Roger Reamer) serve as liaisons to the Turning Point Public Health Collaboration through the Office of Public Health. Ms. List also serves on the Public Health Law Team, the Rural Health Advisory Commission, and the Nebraska Center for Nursing Board. Because the Board of Health has had members serve on the Nebraska Credentialing Reform project since its inception, we felt qualified to make recommendations for the proposed changes to the Uniform Licensure Law legislative initiative. In 2008 the Board of Health will review and approve approximately 60 sets of rules and regulations necessary to implement the Uniform Credentialing Act.

Attachment I is a complete listing of members and standing committees.

Activities and duties taking the most time and attention for Board members during 2007 include:

1. Appointments to professional boards, including enhancement of an applicant screening tool;
2. Attending individual professional board meetings;
3. Review and/or approval of agency rules and regulations;
4. Public health initiatives, including identifying current risk behaviors
5. Participation in the Credentialing Review Program (407), with completion of the reviews for Perfusionists and Audiology and Speech Language Pathologists;
6. Writing informative articles for various public health newsletters;
7. Providing testimony before legislative hearings and in writing, particularly to support LB 463, the Uniform Licensure Law / Uniform Credentialing Act and other issues related to health care professional boards;
8. Ongoing review of statutes and by-laws affecting the governing of the Board.

The Board of Health greatly appreciates the support of Dr. Joann Schaefer, Director of the Division of Public Health. She attended three Board of Health meetings in 2007, and regularly provides a written report of current public health events. In July she addressed questions from the Board regarding the reorganization of HHS, and how the organizational changes will affect Board of Health and professional board support, including the investigative process. Dr. Joe Acierno attended all three Board of Health meetings held since his appointment in July, including the Nebraska City meeting, and twice met with the Board of Health Executive Committee.

## ***PROFESSIONAL BOARDS:***

The Board of Health has a statutory requirement to appoint members to serve on 27 health care professional boards managed by HHS Regulation and Licensure. One new committee was created in 2007: the Perfusion Committee, which reports to the Board of Medicine and Surgery, and whose three members are appointed by the Board of Health. The Board of Health is in awe of the tremendous number and dedication of Nebraskans who are willing to volunteer many hours and days to serve on these boards, many with little or no pay.

The Board has an active policy in place to seek a diverse range of applicants to fill the various vacancies, taking into account such factors as ethnicity, gender, geography, and professional practice specialty, while still meeting any statutory requirements in place for representation on specific boards. Professional boards are queried as to what type of applicants will best round out their boards, i.e., needing representation from a specific practice area, and the Board of Health strives to appoint the best applicant to meet this goal. Applicants complete an application, and those who pass a screening process by DHHS staff and Board of Health members are invited to interview before the Professional Boards Committee. They are given a preference sheet to try to accommodate their availability schedule for interview. Most of the appointments are made every year at the November meeting, several at the March meeting and others as unexpected vacancies occur throughout the year or if mandated by new legislation. The 36 appointments made after conducting 62 interviews in 2007 from the 106 applicants are listed in Attachment II. The Board could not accomplish this great task without the hard work and cooperation of staff from Regulation and Licensure, Credentialing Division. We anticipate 30 professional board appointments to be made in 2008, and an additional 15 members to be appointed in March to the new Credentialing Review Public Member Pool.

In 2000, Board of Health members started actively attending the various professional board meetings, and continue to do so by attending 24 various meetings in 2007. They appreciate the opportunity to learn how the boards function, and what if anything the Board of Health can do to aid the various professional board efforts. Board of Health members share lessons learned from their experiences at the various professional board meetings with their fellow Board members, and they consider this to be an important activity. This is particularly helpful in filling board member vacancies. This year we provided more information to applicants regarding the positions which they were applying to fill and on the Board of Health members conducting the interviews. For the fourth year a Board of Health member attended the New Professional Board Member Orientation training conducted by staff from the Division of Public Health, Licensure Unit, and presented an overview of the Board of Health's role in relationship to the professional boards.

To improve relations and communications with professional boards, the Board of Health started a new program in the fall of 2005 of inviting the chairs of professional boards to have lunch with the Board of Health members followed by the opportunity to present their annual or executive report to the full Board of Health during the public meeting. In 2006 it evolved into an invitation to meet informally with members of the Professional

Boards Committee. These meetings cannot occur during months when the Board of Health has numerous interviews and appointments to make. The Board of Health thanks:

- Marcy Echternacht, RN, Board of Nursing;
- Gaylord Hanssen, DC, Board of Chiropractic;
- Sharon Colling, Board of Examiners in Nursing Home Administration; and
- Marie Nordboe, Board of Cosmetology

for meeting with the Board of Health in 2007. This program assists the Board of Health members with making better appointments by understanding the issues of particular boards and their needs regarding membership composition, and helps Board members to better understand the purpose of new or revised regulations.

Information on board vacancies may be found on the Department of Health and Human Services web site. Press releases are issued, direct mailings are sent to professional and civic organizations, information is included in licensure renewal packets, and articles appear in the Health and Human Services newsletter.

### ***RULES AND REGULATIONS:***

The Board of Health has two separate roles in regard to agency rules and regulations. N.R.S. 71-2610 states the Board of Health shall advise the department regarding rules and regulations for the government of the Department of Health and Human Services, Division of Public Health. Most regulations falling into this category deal with health care facilities or with environmental issues such as well water or indoor air quality. These regulations are first reviewed by the Rules and Regulations Committee, and then are brought before the entire Board for review. Board of Health members have a diverse range of expertise, but to ensure they understand the scope and technicalities contained in these regulations, they rely on HHS staff to summarize the purpose of the proposed regulations and also attend Board of Health meetings to explain issues and answer questions. The Board appreciates the efforts of Joyce Davidson in coordinating this activity.

The Board also has the power and duty per N.R.S. 71-2610.01 to adopt and promulgate rules and regulations for the government of the professions and occupations licensed, certified, registered, or issued permits by the Department of Health and Human Services, Division of Public Health, including those rules and regulations necessary to implement laws enforced by the Division. These regulations are first reviewed by the Rules and Regulations Committee, and then voted on by the entire Board of Health.

During 2007, the Board of Health approved 17 sets of regulations, and reviewed an additional 7 sets, as listed in Attachment III.

## ***PUBLIC HEALTH AND LEGISLATIVE INITIATIVES:***

The State Board of Health has a policy in place to recognize outstanding work in community health promotion. They seek nominations from any Nebraskan who is aware of community health promotion activities across the state or entities that work directly with communities in efforts to improve and enhance their health. Nominations are accepted continually throughout the year and are reviewed by the Board of Health every other month. Award recipients receive a framed certificate and the Department of Health and Human Services issues a press release to area newspapers to announce the award. Agencies and organizations are encouraged to continue nominating worthy public health efforts for recognition. Contact Board of Health staff at 402/471-6515 for more information on this recognition program, or on any of the programs mentioned above.

Other public health and legislative activities during 2007 include:

- Ongoing meetings with the Nebraska Partnership of Local Health Directors. Monica Gissler, Board of Health Program Manager, attended a two-day PHAN (Public Health Association of Nebraska) meeting held in Grand Island on September 27-28 for training of local boards of health. She also attended the National Association of Local Boards of Health (NALBOH) annual conference held in Anchorage in September.
- Current public health topics under review by the Board of Health: traumatic brain injury, and eight youth risk behaviors proposed by the American Medical Association as targets: STDs and unwanted pregnancy; Obesity; Tobacco; Alcohol; Violence; Accidents; Drug abuse; and Suicide.
- Board of Health members wrote letters for or testified at eight legislative hearings.

## ***CREDENTIALING REVIEW PROGRAM:***

The Credentialing Review Committee continues to discuss the process for professional reviews. They are trying to eliminate the discrepancy of three reports to the legislature and combine it into one report: technical review committee, Board of Health review, and Director of Regulation and Licensure. They are coordinating their efforts with the Nebraska Credentialing Reform (NCR) ongoing implementation activities.

Primary activities for this committee in 2007 were completing the review of Perfusionists and Audiology and Speech Language Pathologists. Reviews for Certified Registered Nurse Anesthetists; Gamblers Assistance Counselors; and Dental Assistants are currently underway or about to commence.

## ***BOARD AUTHORITY:***

The Board of Health exists and functions as a result of Nebraska Revised Statutes 71-2600 through 71-2611, as revised by LB 296 in the 2007 Legislative session. The Board operates under formal by-laws, which were last revised on March 19, 2007. By-laws are available upon request.

### ***COMMITTEES:***

The Board of Health has five standing committees: Professional Boards; Credentialing Review; Public Health, Education and Legislation; Rules and Regulations; and a Review Panel. Individual reports from the 2007 Committee Chairs are Attachments IV a-d of this report.

The Review Panel only conducts business on an as-needed basis, and in 2007 they did not need to meet. Three Board of Health members serve on this panel to review evidence and form recommendations to the full Board of Health. The panel becomes the prosecutors and the rest of Board of Health becomes the jurors during this process.

### ***OTHER ISSUES:***

- Upcoming meetings. Year 2008 meeting dates are: January 28 at Nebraska Bar Foundation in Lincoln; and March 10, May 19, and July 21 in Lincoln, September 15 in Kearney, and November 17 at the State Office Building in Lincoln. Professional board interviews will be conducted in Kearney on September 14<sup>th</sup> and in Lincoln on October 5<sup>th</sup>.
- A Board of Health member serves on each PREP (Periodic Regulatory Evaluation Process) Committee, an outgrowth of the Nebraska Credentialing Reform. In 2007 Dr. Sandstrom completed his service on the Respiratory Care Therapist PREP. For more information on the PREP, contact David Montgomery at 402/471-6515. No new PREPs are currently underway.
- For copies of minutes, information on upcoming meetings, and general information regarding the Board of Health, contact: phone: 402/471-6515, fax 402/471-0383, or email at [monica.gissler@dhhs.gov.ne](mailto:monica.gissler@dhhs.gov.ne), or visit our website: <http://www.hhs.state.ne.us/reg/bdhealth.htm>

## *Membership*

In accordance with N.R.S. 71-2601, the State Board of Health consists of seventeen members in the following categories:

- Two members shall be licensed to practice medicine and surgery in this state,
- one member shall be licensed to practice dentistry in this state,
- one member shall be licensed to practice optometry in this state,
- one member shall be licensed to practice veterinary medicine in this state,
- one member shall be licensed to practice pharmacy in this state,
- two members shall be licensed to practice nursing in this state,
- one member shall be licensed to practice osteopathic medicine and surgery or as an osteopathic physician in this state,
- one member shall be licensed to practice podiatry in this state,
- one member shall be licensed to practice chiropractic in this state,
- one member shall be licensed to practice physical therapy in this state,
- one member shall be a professional engineer in this state,
- one member shall be an administrator of a hospital in this state,
- one member shall be a credentialed mental health professional, and
- two members shall be public members.

Members are appointed by the Governor with the consent of a majority of the members of the Legislature, and serve up to two five-year terms. The Governor is an ex officio member of the Board.

The following page is a current roster of members. One new member, Dr. Michels, was appointed late in 2007. Five current terms expire in July of 2008.

**NEBRASKA STATE BOARD HEALTH -  
MEMBERSHIP LIST**

Sam Augustine, RP, PharmD (PHEL Chair)  
9514 Grover St  
Omaha, NE 68124  
402/280-2756, F 280-1268  
samaugustine@creighton.edu (1 Aug 09)

Janet Coleman (public member)  
6049 Franklin St  
Lincoln, NE 68506  
402/489-1421, (01 Aug 10)  
janet.coleman@alltel.net

Tim Crockett, PE  
2715 N 161<sup>st</sup> Ave  
Omaha NE 68116  
402/399-1257, F 399-1111  
tcrocket@hdrinc.com (01 Aug 08)

Edward Discoe, MD (Credentialing Review Chair)  
1454 28<sup>th</sup> Ave  
Columbus, NE 68601  
402/564-2816, F-564-1312  
drdisc@megavision.com (01 Aug 09)

Kent Forney, DVM  
5720 Old Cheney Road  
Lincoln, NE 68516  
402/423-9100, F-423-9171  
kfdvm@yahoo.com (01 Aug 08)

Linda Heiden (public member)  
PO Box 37  
Bertrand, NE 68927  
308/472-3210 F 472-5313  
junkinin@atcjet.net (01 Aug 10)

Russell Hopp, D.O.  
5610 Farnam St  
Omaha NE 68132  
402/280-4580, Fax 280-1843  
rhopp@creighton.edu (01 Aug 09)

Linda Lazure, PhD, RN (Chair)  
2321 Country Club Avenue  
Omaha, NE 68104  
402/280-2001, F-280-2045  
llazure@creighton.edu (01 Aug 09)

Pamela List, APRN (Professional Bds Chair)  
330 Lambrecht St.  
Beemer, NE 68716  
402/372-5904, F-372-6773  
plist@fcswp.org (01 Aug 10)

Dale Michels, MD  
7441 "O" Street, Suite 400  
Lincoln, NE 68510  
402/488-7400, F-488-0739  
Dale.Michels@gmail.com (1 Aug 10)

Roger Reamer (hospital administrator)  
1616 Karol Kay Blvd.  
Seward, NE 68434  
402/646-4629, F-646-4605  
rreamer.mhcs@alltel.net (01 Aug 10)

Paul Salansky, OD (Rules & Regs Chair)  
Mid-Plains Eyecare Center, 121 N. 8<sup>th</sup> St  
Nebraska City, NE 68410  
402/873-7243, F-873-5149  
midplainseyecare@alltel.net (01 Aug 08)

Robert Sandstrom, PhD, PT (Secretary)  
Creighton University, Dept of PT  
2500 California Plaza  
Omaha, NE 68178  
402/280-4325 F 280-5692  
rsandstr@creighton.edu (01 Aug 10)

Clint Schafer, DPM  
1301 S Willow St  
North Platte, NE 69101  
308/532-3600 F 532-6288  
Schaferclint@hotmail.com (01 Aug 08)

Gwen K. Weber, PhD  
8309 Jackson St  
Omaha, NE 68114  
W 402/556-1516; F  
gweber@mail.unomaha.edu (1 Aug 08)

Gary Westerman, DDS (Vice Chair)  
Creighton University, School of Dentistry  
2500 California Plaza  
Omaha, NE 68178  
402/280-5001, F 280-5094  
ghwester@creighton.edu (01 Aug 09)

Daryl Wills, DC  
1590 Park Terrace  
Gering, NE 69341  
308/436-7176, F-436-2092  
ddwillsdc@earthlink.net (01 Aug 10)

David Montgomery, Executive Administrator  
R&L Admin Services, PO Box 95026  
Lincoln, NE 68509-5026  
402/471-6515, F-471-0383  
dave.montgomery@dhhs.ne.gov

Monica Gissler, BOH Program Manager  
R&L Admin Services, PO Box 95026  
Lincoln, NE 68509-5026  
402/471-2948, F-471-0383 H-332-0010  
monica.gissler@dhhs.ne.gov

<http://www.hhs.state.ne.us/reg/bdhealth.htm>  
Dates indicate expiration of terms  
Updated: 12-17-07



## STATE BOARD OF HEALTH – 2008 COMMITTEE ASSIGNMENTS & OBJECTIVES

Professional Boards	PHEL	Rules and Regs	Credentialing Review
Pam List (Chair)	Sam Augustine (Chair)	Paul Salansky (Chair)	Ed Discoe (Chair)
Gary Westerman (VC)	Gwen Weber (Vice)	Linda Heiden (Vice)	Daryl Wills (Vice)
Janet Coleman	Ed Discoe	Sam Augustine	Janet Coleman
Kent Forney	Linda Heiden	Tim Crockett	Tim Crockett
Dale Michels	Russell Hopp	Kent Forney	Roger Reamer
Paul Salansky	Dale Michels	Russell Hopp	Gwen Weber
Clint Schafer	Clint Schafer	Pam List	
Daryl Wills			
<b>Staff:</b>			
<i>Monica Gissler</i>	<i>Jeff Soukup</i>	<i>Joyce Davidson</i>	<i>Ron Briel</i>
Review Panel:	<i>Tim Crockett</i>	<i>Linda Heiden</i>	<i>Gary Westerman</i>

### Professional Boards Committee

- ✓ Continue the process of inviting professional board chairs to meet with the Committee.
- ✓ Evaluate and refine guidelines for the selection and screening process of board appointees.
- ✓ Continue to build and utilize the database of applicants who were excellent candidates. Evaluate the possibility of utilizing qualified applicants for the Credentialing Review Public Member Pool.
- ✓ Continue to work with the Board of Nursing and nursing organizations to increase the pool of applicants; address the issues of fulfilling statutory requirements for practice area and district.
- ✓ Review professional board application forms and processes, particularly for incumbents.
- ✓ Explore the role of the committee in mediating difficulties among professional board members.
- ✓ Monitor the impact of DHHS reorganization on staffing professional board meetings.

### Public Health, Education, and Legislation Committee

- ✓ Provide information and education of selected health programs in Nebraska that promotes public health and the prevention of health and mental health problems. Develop board position statements directed toward these programs and other public health issues.
- ✓ Review, select, prioritize and advocate proposed legislation that enhances health and welfare.
- ✓ Advocate and support legislative efforts to enhance opportunities for the education and development of health care professionals in Nebraska, especially rural providers, and for efforts supporting the health and mental health of residents of Nebraska.
- ✓ Monitor legislative activities regarding rewrite of the ULL/UCA; keep the full Board informed.
- ✓ Help plan retreats and provide program content for special meetings.
- ✓ Promote cooperative efforts with district health departments and other public health entities.
- ✓ Recruit, screen and appoint the Public Member Pool for the Credentialing Review Program.

### Rules and Regulations Committee

- ✓ Review new regulations and amendments prior to the public hearing in order for the Board to make comments during the public hearing stage of the regulation process.
- ✓ Review approximately 80 sets of UCA implementation regulations using the new process.

### Credentialing Review Committee

- ✓ Advise the full Board regarding proposals for either scope of practice change or new credentialing group submitted for review.
- ✓ Continue to work towards improving the efficiency and effectiveness of Credentialing Review.
- ✓ Screen and advise the BOH regarding appointees to credentialing review panels committees, including the Board of Health member to chair each technical review committee.

The BOH Chair (Linda Lazure, PhD, RN), Vice-Chair (Gary Westerman, DDS) and Secretary (Bob Sandstrom, PhD, PT) will be voting members on all standing committees. All members of the BOH are encouraged to attend interviews whenever possible. All members of the BOH may attend any committee meeting at any time, but only those assigned to the particular committee may vote unless the committee chair states otherwise.

## *Professional Licensing Board Appointments*

The State Board of Health made the following appointments during 2007.

### *January*

*No appointments made this month.*

### *March –*

- Advanced Practice Registered Nurses (*nine positions – all effective July 1, 2007*)
  - Certified Nurse Midwife Member: Appoint Anita C. Jaynes, CNM, MS, MA of Omaha for term ending December 1, 2011
  - Certified Registered Nurse Anesthetist Member: Appoint Steven Ray Wooden, CRNA, MS of Albion for term ending December 1, 2010
  - Clinical Nurse Specialist Member: Appoint Ruth Ellen Van Gerpen, RN, MS, CNS of Waverly for term ending December 1, 2009
  - Nurse Practitioner Member: Appoint Brenda Kay Bergman-Evans, PhD, APRN, BC of Omaha for term ending December 1, 2008
  - Physician Member, Three Positions: Appoint George Adams, M.D. of Hastings for term ending December 1, 2009; Appoint Terry P. Gee, M.D. of Lincoln for term ending December 1, 2011; and Appoint Michelle Sue Knolla, M.D. of Omaha for term ending December 1, 2010.
  - Public Member, two positions: Appoint Stephen B. Jackson, MPH of Omaha for term ending December 1, 2010, and Appoint Bryan “Josh” White, JD of Lincoln for term ending December 1, 2011.
- Alcohol and Drug Counseling (*two positions*)
  - Alcohol and Drug Counselor Members, two positions, both terms April 2, 2007 to April 1, 2012: Reappoint Alfredo Ramirez, LCSW, LADC of Norfolk, and Reappoint Kathryn E. Schinker, MS, LMHP, LADC of Omaha.
- Physician Assistants Committee (two positions, both terms April 17, 2007 to April 16, 2012)
  - Medical Board Member: Reappoint Randy T. Kohl, MD of Firth
  - Physician Assistant Member: Appoint John W. Davies, PA-C of Pilger

### *May*

- Board of Psychology, Public Member appointment for the term of May 21, 2007 to November 30, 2009: Christy Rentmeester, PhD of Omaha.

### *July*

- Board of Examiners in Nursing Home Administration, Proprietary Home Member (two positions):
  - Reappoint Sharon Colling of Tecumseh for the term ending November 30, 2010.
  - Appoint Shari Terry of Wahoo to fill the remainder of the term vacated by David Creal, with a term end date of November 30, 2009.
- Perfusionist Committee (3 positions)
  - Physician Member: Appoint John Batter, MD of Omaha to the term September 1, 2007 to November 30, 2011.

- Perfusionist Members (2): Appoint Joe Deptula, MPS, CCP of Omaha to the term September 1, 2007 to November 30, 2010; and appoint Ben Greenfield of Hickman the term September 1, 2007 to November 30, 2012

### ***September***

- Cosmetology:
  - Cosmetologist member: Appoint Cynthia Kaup of Oxford to term of 12/1/07 to 11/30/12
  - Esthetician member: Reappoint Sherri Scheele of Omaha to term of 12/1/07 to 11/30/12
  - School owner member: Appoint Karen “Nannie” Stroman of Denton to term of 12/1/07 to 11/30/12
- Hearing Aide Dispensers and Fitters:
  - HAIDF member: Reappoint Evelyn McKnight of Fremont to term of 12/26/07 to 12/25/11
  - Otolaryngologist member: Appoint Alan Nissen, MD to term of 12/26/07 to 12/25/11
- Medical Radiography Advisory Committee (two medical radiographer positions):
  - Reappoint James Temme, MPA, RT of Omaha for the term of 9/26/07 to 9/25/09
  - Reappoint Peggy Young, RT of Grand Island for the term of 9/26/07 to 9/25/09
- Occupational Therapy Practice. OT member – Appoint Stacy Yagow, COTA/L of Norfolk to term of 12/1/07 to 11/30/12

### ***November***

- Public Members:
  - Cosmetology Examiners: Appoint Catherine Fletcher of Lincoln for the term of 12/1/07 to 11/30/12
  - Medicine and Surgery: Appoint Merle Henkenius of Lincoln for Dr. Sam Brown’s remaining term through November 30, 2009
  - Nursing: Appoint Don Osentowski of York for term of 12/2/07 to 11/30/11
  - Examiners in Nursing Home Administration: Appoint Rose Hunte-Roberson, PhD, MHR of Omaha for term of 12/1/07 to 11/30/10
- Medicine and Surgery. Physician member: Appoint Karen Higgins, M.D. of Grand Island for term of 12/1/07 to 11/30/12
- Nursing:
  - APRN member: Reappoint Nancy Gondringer, CRNA, MA of Lincoln to term of 12/2/07 to 12/1/11
  - Nursing Service Administrator member: Appoint Pamela Johnson-Carlson, MSN, RN, CAN, BC of Omaha to term of 12/2/07 to 12/1/11
- Examiners in Nursing Home Administration. Nonprofit Home Member: Appoint Heath Boddy, NHA of Adams to term of 12/1/07 to 11/30/10
- Psychologists. Psychologist member: Appoint Mark Weilage, PhD of Lincoln to term of 12/1/07 to 11/30/12

# ***RULES AND REGULATIONS***

## **Regulations for Review:**

### ***January:***

- 181 NAC 5, Consent for Predictive Genetic Testing

### ***March & May:***

No regulations for review this month

### ***July:***

- 172 NAC 53, Performance of Duties by Licensed Dental Hygienists and Dental Assistants
- 177 NAC 7, Analyses for the Determination of the Drug Content in Urine While Driving Under the Influence of Drugs
- 179 NAC 13, Surface Water Treatment

### ***September:***

- 181 NAC 2, Screening of Infants for Metabolic Disease
- 181 NAC 7, Immunosuppressant Drug Repository Program (New Regulations)
- 183 NAC 1, Student Loan Program

### ***November:***

- 173 NAC 4, Immunization of Licensed Child Care Programs

## **Regulations for Approval:**

### ***January:***

- 172 NAC 131, Wholesale Drug Distributors

### ***March:***

- 172 NAC 23, Practice of Audiology and Speech-Language Pathology –
- 172 NAC 29 Practice of Chiropractic

### ***May***

Approved the following regulations:

- 172 NAC 15, Licensure of Alcohol and Drug Counselors (New Regulations).
- 172 NAC 98, Advanced Practice Registered Nurse Licensure (New Regulations)
- 172 NAC 100, Nurse Practitioners
- 172 NAC 103, Practice of Certified Nurse Anesthetists
- 172 NAC 104, Practice of Certified Nurse Midwives
- 172 NAC 107, Clinical Nurse Specialists (New Regulations)
- 172 NAC 131, Wholesale Drug Distributors

### ***July: None.***

***September:***

- 172 NAC 15 Licensure of Alcohol and Drug Counselors
- 172 NAC 56, Practice of Dentistry and Dental Hygiene
- 172 NAC 100, Nurse Practitioners
- 172 NAC 103, Practice of Certified Nurse Anesthetists
- 172 NAC 104, Practice of Certified Nurse Midwives
- 172 NAC 128, Practice of Pharmacy (Fees for registration of pharmacy techs)
- 172 NAC 137, Practice of Physical Therapy

***November:*** None.

If you would like more information on any of these sets of regulations, please contact the Regulatory and Integration Analysis Division at 402/471-9022. Regulations are available for viewing on the HHS web site.



To: Members of the Nebraska State Board of Health  
From: Pam List, Chair, Professional Boards Committee  
Subject: 2007 Annual Report of the Professional Boards Committee of the  
Nebraska State Board of Health  
Date: November 19, 2007

**Committee Members:**

Pam List, APRN, Chair; Gary Westerman, DDS, Vice Chair  
Janet Coleman; Kent Forney, DVM; Paul Salansky, OD; and Daryl Wills, DC.  
Monica Gissler, Committee Staff

**Committee Duties and Responsibilities:**

In January, 2007 Chairman Lazure established the following goals for this committee:

- ✓ Evaluate and refine guidelines for the selection and screening process of board appointees.
- ✓ Enhance communication between the BOH and professional boards, including BOH members' liaison meeting attendance and inviting professional board chairs to BOH Committee meetings.
- ✓ Continue to build and utilize the database of applicants who were excellent candidates.
- ✓ Continue to work with the Board of Nursing and nursing organizations to increase the pool of applicants; address the issues of fulfilling statutory requirements for practice area and district.
- ✓ Review professional board application forms and processes, and suggest changes to implement.
- ✓ Evaluate results of November 2006 professional board applicant survey, and implement changes.
- ✓ Explore the role of the committee in mediating difficulties among professional board members.

**Activities for 2007:**

*January:*

- Janet Coleman attended the December 7<sup>th</sup> Massage Therapy Board meeting, and discussed some concerns about the quality of the board, particularly with the size of the board and the conflicts of interest for one of the members.
- Dr. Spry attended December 15<sup>th</sup> Board of Medicine and Surgery meeting. He discussed Investigations issues with Mike Grutsch and Bob Semerena. They have hired outside people to do some of the monitoring. They pointed out that the number of investigations they are doing is up dramatically, including the number of professionals being monitored.
- Ms. List attended the Public Health Law meeting.
- Dr. Weber attended the January 5<sup>th</sup> Board of Mental Health Practice meeting.
- Dr. Augustine presented Board of Health information at the December New Board Member Orientation meeting.
- Review of November 2006 survey results – complaints came primarily from LMHPs. Overall the comments and scoring were positive.

*Attachment V-a*

*March:*

- Dr. Schafer attended the February 9<sup>th</sup> Board of Podiatry meeting.
- Dr. Forney attended the January 22<sup>nd</sup> Veterinary Association meeting (in Grand Island).
- 13 professional board appointments were made: (40 applicants, 17 interviews, 13 appointments)
  - Advanced Practice Registered Nurses (*nine positions – all effective July 1, 2007*)
    - Certified Nurse Midwife Member: Appoint Anita C. Jaynes, CNM, MS, MA of Omaha for term ending December 1, 2011
    - Certified Registered Nurse Anesthetist Member: Appoint Steven Ray Wooden, CRNA, MS of Albion for term ending December 1, 2010
    - Clinical Nurse Specialist Member: Appoint Ruth Ellen Van Gerpen, RN, MS, CNS of Waverly for term ending December 1, 2009
    - Nurse Practitioner Member: Appoint Brenda Kay Bergman-Evans, PhD, APRN, BC of Omaha for term ending December 1, 2008
    - Physician Member, Three Positions: Appoint George Adams, M.D. of Hastings for term ending December 1, 2009; Appoint Terry P. Gee, M.D. of Lincoln for term ending December 1, 2011; and Appoint Michelle Sue Knolla, M.D. of Omaha for term ending December 1, 2010.
    - Public Member, two positions: Appoint Stephen B. Jackson, MPH of Omaha for term ending December 1, 2010, and Appoint Bryan “Josh” White, JD of Lincoln for term ending December 1, 2011.
  - Alcohol and Drug Counseling (*two positions*)
    - Alcohol and Drug Counselor Members, two positions, both terms April 2, 2007 to April 1, 2012: Reappoint Alfredo Ramirez, LCSW, LADC of Norfolk, and Reappoint Kathryn E. Schinker, MS, LMHP, LADC of Omaha.
  - Physician Assistants Committee (two positions, both terms April 17, 2007 to April 16, 2012)
    - Medical Board Member: Reappoint Randy T. Kohl, MD of Firth
    - Physician Assistant Member: Appoint John W. Davies, PA-C of Pilger
- Ms. List explained the pre-screening tool and process that was used. It worked very well. They interviewed 17 applicants this morning; 20 interviews were scheduled out of 40 applicants, and 3 withdrew. We will continue to use this process in the future.

*May:*

1. Dr. Lazure attended the Board of Nursing meeting on April 19<sup>th</sup>. Board of Health members have attended the following professional board meetings:
  - Ms. List attended the April 5<sup>th</sup> Board of Massage Therapy meeting.
  - Mr. Reamer attended the April 17<sup>th</sup> Board of Nursing Home Administrators meeting.
  - Dr. Hopp attended the May 1<sup>st</sup> Hearing Aid Dispensers and Fitters meeting.
  - Dr. Forney did not attend the May 12<sup>th</sup> meeting between Veterinary Medicine and Massage Therapy, but relayed some comments about the issues.
  - Dr. Schafer attended the February 9<sup>th</sup> Podiatry Board meeting, and relayed their concerns about the backlog of investigations.



Meetings were held with two Professional Board Chairs:

- Marcy Echternacht, RN, Board of Nursing
- Gaylord Hanssen, DC, Board of Chiropractic.

Board of Psychology, Public Member Appointment – Christy Rentmeester, PhD of Omaha was appointed. She had been interviewed by this Committee on March 19<sup>th</sup>. Shortly after, Diane Miller-Ruhlman, Public Member from the Board of Psychologists resigned. (1 appointment)

*July:*

- Dr. Salansky attended the June 6<sup>th</sup> Board of Athletic Training meeting.
- Ms. Coleman attended the June 7<sup>th</sup> Board of Massage Therapy meeting.
- Ms. Coleman attended the July 6<sup>th</sup> Board of Mental Health Practice meeting.
- Dr. Westerman – July 13<sup>th</sup> attended the Board of Dentistry meeting.

Professional Board Appointments: There were a total of 15 applicants. Eight interviews were conducted (10 were scheduled) and 5 appointments were made.

- Board of Examiners in Nursing Home Administration, Proprietary Home Member (two positions):

Reappoint Sharon Colling of Tecumseh for the term ending November 30, 2010.

Appoint Shari Terry of Wahoo to fill the remainder of the term vacated by David Creal, with a term end date of November 30, 2009.

- Perfusionist Committee (3 positions)

Perfusionist Members (2): Appoint Joe Deptula, MPS, CCP of Omaha to the term September 1, 2007 to November 30, 2010; and appoint Ben Greenfield of Hickman the term September 1, 2007 to November 30, 2012

Physician Member: Appoint John Batter, MD of Omaha to the term September 1, 2007 to November 30, 2011.

Meetings were held with two Professional Board Chairs:

- Sharon Colling, Chair, Board of Examiners in Nursing Home Administration.
- Marie Nordboe, Vice Chair, Board of Cosmetology.

*August:*

- Five board members and one staff member prescreened applicants using the approved screening tool. Point values were assigned and used for guidance in determining which applicants would be granted interviews. All applicants, even if not granted an interview, will be considered for appointment. There were 5 public member and 47 professional member applications submitted.
- The "All Health Care Related Board Member Meeting" was held on August 17 in Omaha. Topics included criminal background checks, recent court decisions with regulatory implications, the implementation plan for LB 463 (Uniform Credentialing Act), and criminal background checks.

*September:*

- Dr. Weber attended the July 20<sup>th</sup> Board of Psychology meeting.
- Ms. Coleman attended the July 20<sup>th</sup> and September 7<sup>th</sup> Mental Health Practice Board meetings.
- Dr. Wills attended the August 9<sup>th</sup> Chiropractic Board meeting in Kearney.

- Dr. Lazure attended the September 18<sup>th</sup> APRN meeting in Lincoln.
- Dr. Augustine, attended the September 10<sup>th</sup> Board of Pharmacy meeting.
- Dr. Spry attended the September 14<sup>th</sup> Board of Medicine and Surgery meeting.

Professional Board appointments: 29 applied, 10 were interviewed, and 8 appointed (3 were appointed without interview). Six additional interviews were held for appointments to be made in November.

Cosmetology Examiners:

Cosmetologist member – Appoint Cynthia Kaup of Oxford to term of 12/1/07 to 11/30/12

Esthetician member – Reappoint Sherri Scheele of Omaha to term of 12/1/07 to 11/30/12

School owner member – Appoint Nannie “Karen” Stroman of Denton to term of 12/1/07 to 11/30/12

Hearing Aide Dispensers and Fitters:

HAIDF member – Reappoint Evelyn McKnight of Fremont to term of 12/26/07 to 12/25/11

Otolaryngologist member – Appoint Alan Nissen, MD to term of 12/26/07 to 12/25/11

Medical Radiography Advisory Committee (two medical radiographer positions):

Reappoint James Temme, MPA, RT of Omaha for the term of 9/26/07 to 9/25/09

Reappoint Peggy Young, RT of Grand Island for the term of 9/26/07 to 9/25/09

Occupational Therapy Practice:

OT member – Appoint Stacy Yagow, COTA/L of Norfolk to term of 12/1/07 to 11/30/12

*November:* 21 applied, 11 additional interviews were conducted since September, and 9 appointments were made. A total of 50 applications were received with 25 screened out. A total of 36 interviews were conducted in Lincoln on September 23<sup>rd</sup> (25) and November 19<sup>th</sup> (11).

Public Members:

Cosmetology Examiners – Appoint Catherine Fletcher of Lincoln for the term of 12/1/07 to 11/30/12

Medicine and Surgery – Appoint Merle Henkenius of Lincoln for Dr. Sam Brown’s remaining term through November 30, 2009

Nursing – Appoint Don Osentowski of York for term of 12/2/07 to 11/30/11

Examiners in Nursing Home Administration – Appoint Rose Hunte-Roberson, PhD, MHR of Omaha for term of 12/1/07 to 11/30/10

Medicine and Surgery:

Physician member – Appoint Karen Higgins, M.D. of Grand Island for term of 12/1/07 to 11/30/12

Nursing:

APRN member – Reappoint Nancy Gondringer, CRNA, MA of Lincoln to term of 12/2/07 to 12/1/11

Nursing Service Administrator member – Appoint Pamela Johnson-Carlson, MSN, RN, CAN, BC of Omaha to term of 12/2/07 to 12/1/11

Examiners in Nursing Home Administration:

Nonprofit Home Member – Appoint Heath Boddy, NHA of Adams to term of 12/1/07 to 11/30/10

Psychologists:

Psychologist member – Appoint Mark Weilage, PhD of Lincoln to term of 12/1/07 to 11/30/12

- Dr. Augustine presented at the December 4<sup>th</sup> Orientation for New Board Members.

**Goals for 2008:**

1. Continue the process of inviting professional board chairpersons to meet with the Committee and discuss how their board functions and any concerns or issues they have that the Board of Health might address. Assure that board liaisons maintain contact with the assigned professional board to enhance communication.
2. Utilize the prescreening process again to make the best use of our interview times. If the Board of Health conducts a regular meeting in 2008 outside of Lincoln, interviews may also be offered at this location for the convenience of applicants. The prescreening process used in 2005 will be evaluated and revised as necessary.
3. Continue work with the Board of Nursing and nursing organizations to increase the pool of nurse applicants and to address the issues of fulfilling statutory requirements for practice areas and congressional districts.
4. Continue to build and utilize the data base of professional board applicants who were excellent candidates, but for various reasons were not appointed to the positions they were seeking. Evaluate the possibility of utilizing qualified applicants for 407 technical review committee members, and create a Credentialing Review Public Member Pool.
5. Review professional board application forms and process, particularly for incumbent members, and work with Credentialing Division staff to implement suggested changes.
6. Explore the role of the committee in mediating difficulties among professional board members.
7. Monitor the impact of DHHS reorganization on staffing of professional board meetings, particularly investigative staff and legal council.

11/26/07

To: Members of the Nebraska State Board of Health  
From: Edward Discoe, M.D., Chairperson of the Credentialing Review Committee  
Subject: 2007 Annual Report of the Credentialing Review Committee of the Nebraska State Board of Health  
Date: November 19, 2007

***Committee Duties and Responsibilities:***

The 2007 assignment was to continue to have input into the NCR review of the Credentialing Review Program and the PREP review of Respiratory Care as well as to assist the full Board in any new credentialing reviews that arise.

***Committee Members:***

Edward Discoe, M.D., (Chair); Daryl Wills, D.C., (Vice Chair); Roger Reamer, H.A.; Russell Hopp, D.O., Janet Coleman, and Gary Westerman, D.D.S.  
Staff: Ron Briel

***Goals for 2007 were as Follows:***

- 1) Advise the full Board regarding proposals for either change in scope of practice or new credentialing,
- 2) Improve the efficiency and effectiveness of the Credentialing Review Program by keeping the Board members informed about NCR activities,
- 3) Screen and advise the Board regarding members of upcoming technical review committees, and advise on which Board members would be appropriate as chairpersons, and,
- 4) Inform the Board about the PREP process and actively participate in the PREP process.

***Activities for 2007:***

On January 11, 2007, the Committee members reviewed a proposal from the Perfusionists for licensure and a proposal from the Speech-Language Pathologists for a change in scope of practice.

During the morning Committee meeting on January 22, 2007 the Committee members held a public forum on the issues concerning both the Perfusionists and the Speech-Language Pathologists. The full Board took action on these two proposals during the afternoon session of the January 22, 2007 public Board meeting.

During the May 21, 2007 Committee meeting, the Committee members approved Credentialing Review Program guidelines pertinent to the definition and parameterization of proposals that are received from applicant groups by the program.

During the September 24, 2007 Committee meeting the Committee members advised the full Board regarding the appointment of members of two forthcoming credentialing review committees: the Dental Assistants Committee and the Gamblers Assistance Counselors Committee. The full Board acted on this advice during the afternoon session of the Board of the September 24, 2007 Board meeting.

On November 5, 2007, the Committee members met to review the CRNA recommendations from the CRNA Technical Review Committee. They formulated their recommendations on this issue. The full Board met on November 19, 2007 to formulate its recommendations on this issue.

***Goals for 2008 are as follows:***

- 1) Advise the full Board regarding proposals for either change in scope of practice or new credentialing,*
- 2) Continue to work towards improving the efficiency and effectiveness of the Credentialing Review Program, and,*
- 3) Screen and advise the Board regarding members of upcoming technical review committees, and advise on which Board members would be appropriate as chairpersons.*

***Activities for 2008:***

The Committee members will present their recommendations to the full Board on the Gambling Counselor proposal, Dental Assisting proposal, and a potential new review on Surgical Technologists.

The Committee members will continue to advise the full Board regarding the appointment process for any new technical review committees and the formulation of recommendations on credentialing review proposals when they come to the Board for review.

## Public Health, Education and Legislation Committee

To: Members of the Nebraska State Board of Health  
From: Sam Augustine, RP, PharmD, Committee Chair  
Subject: 2007 Report of the Public Health, Education and Legislation Committee of the  
Nebraska State Board of Health  
Date: November 19, 2007

### ***Committee Members:***

Sam Augustine, Pharm.D (Chair); Gwen Weber, Ph.D.,(Vice Chair); Tim Crockett, P.E.; Ed  
Discoe, M.D.; Linda Heiden, Public Member; Russell Hopp, D.O., and Clint  
Schafer, D.P.M.  
Staff: Jeff Soukup

### ***Committee Duties and Responsibilities:***

The Public Health, Education, and Legislation (PHEL) Committee met six times during 2007 and worked toward the following committee objective: To identify and promote public education and legislation to enhance the health, mental health, and living environment of all residents of Nebraska.

1. Review, select, prioritize and advocate proposed legislation that enhances the health and welfare of the people of Nebraska including minority populations and those in rural environments.
2. Advocate and support legislative efforts to enhance opportunities for the education and development of health care professionals in Nebraska especially seeking to serve those residing in sparsely populated and remote rural environments.
3. Advocate, provide information, and communicate directly with state senators, DHHS committee members, and other state officials of selected legislative efforts supporting the health and mental health of residents in Nebraska.
4. Facilitate the Board of Health members in planning and participating in the Legislative luncheon, annual retreat, and related activities to keep all members apprised and active in the efforts of the PHEL committee.
5. Provide information and education of selected health programs in Nebraska that promotes public health and the prevention of health and mental health problems.
6. Promote cooperative efforts with health departments, public health organizations, and professional associations committed to enhancing the health and welfare of residents in Nebraska.

*Activities in 2007:*

**January:** A committee conference call was held on January 19, 2007 to review and discuss the bills introduced by the Legislature, and committee discussion was held the morning of January 22<sup>nd</sup>. For each of the support and opposition bills listed below, the Board prepared a letter and/or testimony. The Board voted to take a position on the following bills:

- LB49**     Hudkins     Adopt the Mercury Vaccine and Drug Act. Oppose.
- LB194**    Pahls            Change disciplinary provisions of the ULL. Oppose.
- LB205**    Howard          Require schools to adopt a bullying policy. Support.
- LB245**    Johnson         Change provisions relating to fluoridation of drinking water. Support.
- LB253**    Rogert          Adopt the Motorcycle Safety and Training Act and change motorcycle helmet provisions. Oppose.
- LB270**    Johnson         Exclude certain rural health loan repayments from income tax. Support
- LB369**    Erdman         Redefine mental health practice. Oppose.
- LB373**    Schimek        Provide for inadmissibility of apologies regarding medical care as evidence. Support.
- LB395**    Johnson         Adopt a new Nebraska Clean Indoor Air Act. Support.
- LB417**    Nantkes        Include invasive pneumococcal disease as a childhood Immunization requirement. Support.
- LB463**    Johnson         Adopt the Uniform Credentialing Act. Support.

**March:**

Legislation: Jeff Soukup provided a current list of bills prioritized by the Board of Health in January. The following additional actions were taken.

- LB 49, adopt the Mercury Vaccine and Drug Act, was indefinitely postponed. The Board of Health opposed this bill with a letter.
- LB 513: Direct billing done for certain CPT codes (histopathology, cytology, pap smears, etc.). Dr. Spry proposed that the Board of Health monitor this bill.
- Dr. Augustine made a motion for the Board to send a letter of support, an affirmation of the Board's position, on LB 395. The letter would urge senators not to support the "opt out" clause which was amended on to the bill.
- Dr. Wills discussed LB 586, Reduces payments to those in the Medical Lien Law.

Public Health Month is April, and Public Health Week is April 2-8, 2007. Committee voted to prepare a press release to promote smoking cessation to promote public health via reduction of disease, and the cost savings. Dr. Spry discussed a *New England Journal of Medicine* study: From 1900-1960: the improvement in life expectancy was 22 years. From 1960 – 2000 they studied improvement in life expectancy from birth on as a result of health changes, and there was an increase of 7 years. They analyzed the causes of this, and 1.1 years alone related to smoking cessation, at a cost of zero dollars.

**May:**

- Legislative update. Jeff Soukup provided an updated list of bills prioritized by the Board of Health. Bryson Bartels also provided an HHS list.
- Dr. Augustine and Jeff Soukup will work on helping timeliness, etc. of press releases and recognitions from the Board of Health.
- The Board of Health issued a press release in April regarding Public Health month and habits that lead to better public health.

**July:**

- Legislative update. Jeff Soukup provided information on interim study resolutions and carryover bills including LB 395. Senator Johnson intends to recommit the bill to Select File to amend the bill to remove the “opt out” provision and pass next session.
- Public Relations Guideline. “The Media and You” handbook was distributed to members. The committee reviewed a draft guideline for public relations. Marla Augustine addressed the differences in position statements and press releases.

**September:**

- Legislative update. Jeff Soukup provided information on interim study resolutions. LR 119 cost estimates of health care pricing (transparency) and LR130 to examine funding to implement tobacco prevention and cessation statewide. Both held Sep 21. LR 153 and LR 204 – nothing scheduled yet.
- Public Relations Guideline was finalized by the full Board.

**November:**

- Legislative update. Committee discussed Dr. Sandstrom letter provided on LR 153 and 204. Committee also set date for Legislative conference call (January 25) to review and make Legislative priority recommendations.
- Agenda for Legislative luncheon was reviewed and discussed.
- PHEL committee report including 2008 goals were reviewed and decided.

**PHEL OBJECTIVES FOR 2008**

Objective: To identify and promote public education and legislation to enhance the health, mental health, and living environment of all residents of Nebraska.

1. Review, select, prioritize and advocate proposed legislation that enhances the health and welfare of the people of Nebraska including minority populations and those in rural environments.



2. Advocate and support legislative efforts to enhance opportunities for the education and development of health care professionals in Nebraska especially seeking to serve those residing in sparsely populated and remote rural environments.
3. Advocate, provide information, and communicate directly with state senators, DHHS committee members, and other state officials of selected legislative efforts supporting the health and mental health of residents in Nebraska.
4. Facilitate the Board of Health members in planning and participating in the Legislative luncheon, annual retreat, and related activities to keep all members apprised and active in the efforts of the PHEL committee.
5. Provide information and education of selected health programs in Nebraska that promotes public health and the prevention of health and mental health problems.
6. Promote cooperative efforts with health departments, public health organizations, and professional associations committed to enhancing the health and welfare of residents in Nebraska.
7. Review and revitalize the Board process and guidelines for giving recognition to public health programs and individuals.

December 10, 2007

*RULES AND REGULATIONS COMMITTEE  
OF THE STATE BOARD OF HEALTH  
ANNUAL REPORT FOR 2007*

***Committee Duties and Responsibilities:***

- All rules and regulations, both those for approval and those for review only by the Board, will come before this committee. This committee reviews the regulations prior to Board of Health (BOH) meetings in order to enhance discussion and improve efficiency during the BOH meeting.
- The committee is responsible for setting the evaluation of the rules and regulations process for the BOH.

***Committee Members:*** Paul Salansky, OD (Chair); Linda Heiden (Vice Chair); Sam Augustine, RP, PharmD; Kent Forney, DVM; Pam List, APRN; Roger Reamer; Clint Schafer, DPM; and Gwen Weber, Ph.D.

***Staff:*** Joyce Davidson

***Activities for 2007***

**January 22**

Approved the following regulations:

- 172 NAC 131, Wholesale Drug Distributors

Reviewed the following regulations:

- 181 NAC 5, Consent for Predictive Genetic Testing

**March 19**

Approved the following regulations:

- 172 NAC 23, Practice of Audiology and Speech-Language Pathology –
- 172 NAC 29 Practice of Chiropractic

**May 21**

Approved the following regulations:

- 172 NAC 15, Licensure of Alcohol and Drug Counselors (New Regulations).
- 172 NAC 98, Advanced Practice Registered Nurse Licensure (New Regulations)
- 172 NAC 100, Nurse Practitioners
- 172 NAC 103, Practice of Certified Nurse Anesthetists
- 172 NAC 104, Practice of Certified Nurse Midwives
- 172 NAC 107, Clinical Nurse Specialists (New Regulations)
- 172 NAC 131, Wholesale Drug Distributors

### **July 16**

Reviewed the following regulations:

- 177 NAC 7, Analyses for the Determination of the Drug Content in Urine While Driving Under the Influence of Drugs
- 179 NAC 13, Surface Water Treatment

### **Sep 24**

Approved the following regulations:

- 172 NAC 15 Licensure of Alcohol and Drug Counselors
- 172 NAC 56, Practice of Dentistry and Dental Hygiene
- 172 NAC 100, Nurse Practitioners
- 172 NAC 103, Practice of Certified Nurse Anesthetists
- 172 NAC 104, Practice of Certified Nurse Midwives
- 172 NAC 128, Practice of Pharmacy (Fees for registration of pharmacy techs)
- 172 NAC 137, Practice of Physical Therapy

Reviewed the following regulations:

- 181 NAC 2, Screening of Infants for Metabolic Disease
- 181 NAC 7, Immunosuppressant Drug Repository Program (New Regulations)
- 183 NAC 1, Student Loan Program

### **November 19**

Reviewed the following regulations:

- 173 NAC 4, Immunization of Licensed Child Care Programs

Discussed Laws 2007, LB 463, Uniform Credentialing Act and decided to have all Board of Health members sign up to review various sets of regulations so that all members would not have to review all of the proposed regulations as they go through the process.

## ***GOALS for 2008***

The Rules and Regulations Committee will be reviewing for approval approximately 60 sets of regulations due to Laws 2007, LB 463, Uniform Credential Act (UCA) implementation. This will be in addition to other regulations going through the regulation process throughout 2008. Due to the amount of review for these regulations the Department will be sending out templates that each set of regulations will have inserted into them so that the committee and board will not have to read this information in each set of regulations. A timetable for the development of the UCA regulations has been established to indicate when these regulations will be coming to the BOH for review and approval. It is hoped that this will make the process go smoothly.