

*Report of the
Nebraska State Board of Health
For 2008*

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

NEBRASKA STATE BOARD OF HEALTH
Annual Report for 2008
Adopted January 26, 2009

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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.

2009 BOARD OF HEALTH EXECUTIVE COMMITTEE



Executive Administrator David Montgomery; Secretary Paul Salansky, OD;
Chair Ed Discoe, MD; and Vice Chair Gary Westerman, DDS
November 17, 2008

CHANGES IN BOARD OF HEALTH MEMBERSHIP



Eric Berggren, P.E.

Mr. Berggren is an Environmental Engineer with 12+ years of experience in the areas of Water Supply and Treatment, Wastewater Treatment, Stormwater Control and Pumping, Industrial Wastewater, and other environmental issues. Eric is an active member in Nebraska Water Environment Federation, Nebraska American Water Works Association, and the American Society of Agricultural and Biological Engineers. After graduating from high school in Marshalltown, Iowa in 1992, he received his B.S. degree in Biological Systems Engineering from the University of Nebraska-Lincoln in 1996, and obtained his Professional Engineer certification in 2001. Eric resides in Gretna with his wife Joann and their two sons Ross and Carl, where he is a Cub Scout leader and active in his church choir.

Daniel Bizzell, Ed.D.

Dan Bizzell, originally from Pensacola, Florida, received his Ed.D. in Counseling and Educational Psychology from Mississippi State University in 1972. He has held a variety of full time academic, clinical and research positions. From 1983-2000 he also maintained a part-time private practice. In 2000, Dr. Bizzell retired from the Veterans Administration as Mental Health Site Manager /Chief of Psychology at the Veterans Medical Center in Grand Island. He currently serves as a psychologist at Mary Lanning Memorial Hospital in Hastings, dedicating the majority of his efforts to evaluation and to testimony regarding individuals placed under Emergency Protective Custody. He also spends time in consultation with inpatient and outpatient programs. Dr. Bizzell was a member of the Nebraska Psychology Board from 2003-2008, and served as Chair his last two years. He maintains a Certificate of Professional Qualifications through the Association of State and Provincial Psychology Boards (ASPPB) and is listed in The National Register of Health Service Providers in Psychology. He serves as Nebraska's representative to ASPPB. He is also a Fellow of the American Psychological Society and a member of The Nebraska Psychological Association. Dr. Bizzell and his wife, Joyce, live in Kearney. They have three grown children and three grandchildren. Hobbies include travel, physical fitness, art, reading and "keeping up with the kids and grandkids."





Ted Evans, Jr., DVM

Dr. Evans was born in Tecumseh, where he graduated high school and resides today. He attended the University of Nebraska from 1959-1961, then received his B.S. in Science after attending Kansas State University from 1961-1964. He received his D.V.M. from there as well in 1966. Dr. Evans served in the United States Air Force from 1966-1968, after which he started his veterinary practice in Tecumseh, where he still works. He is a member of the Nebraska Veterinary Medical Association, the American Veterinary Medical Association, the Society of Theriogenology, Tecumseh Community Club, and the Knights of Columbus. Dr. Evans is married to Betty, and they have seven grown children.

Ken Kester, Pharm.D., J.D.

Ken Kester was appointed to fulfill the Pharmacist term vacated by Sam Augustine. Dr. Kester is the Pharmacy Team Leader at Nebraska Heart Hospital in Lincoln. He is a native of Frontier County and a graduate of Cambridge High School. He earned a B.A. in Natural Sciences from Doane College in 1982, and a Doctor of Pharmacy from the University of Nebraska College of Pharmacy in 1985. Dr. Kester completed a residency in Hospital Pharmacy at Northwestern Memorial Hospital in Chicago. For the next 11 years he was the Drug Information and Quality Improvement Coordinator at Bryan Memorial Hospital (now BryanLGH Medical Center). Dr. Kester attended law school, receiving his Juris Doctor from the University of Nebraska School of Law in 2000. He was an associate attorney with Knudsen, Berkheimer, Richardson and Endacott for two years before returning to hospital pharmacy. He has managed the Pharmacy Department at Nebraska Heart Hospital since 2003, where he also serves as the Compliance Officer. Dr. Kester is a member of the Nebraska Pharmacists Association, the American Society of Health-System Pharmacists, the Nebraska Bar Association, the American Health Lawyers Association and the Health Care Compliance Association. He serves as a preceptor for pharmacy students from Creighton University, Drake University, and UNMC. Dr. Kester resides in Lincoln with his wife, Meg. They have four children.



John Tenny, DPM

Dr. Tenny was born and raised in Rochester, NY. He received his undergraduate degree at RIT in 1988, and attended graduate school in Chicago from 1988-1992 where he received his DPM. He remained in Chicago to complete his Residency in Foot and Ankle Surgery at Norwegian American Hospital. Dr. Tenny started in private practice at Capital Foot Center in Lincoln in 1993. Dr. Tenny is a member and Past-President of the Nebraska Podiatric Medical Association, the American Podiatric Medical Association, and the American College of Foot and Ankle Surgeons. He is married to Teresa Burnap, DPM and they reside in Eagle.



Chairman's Report
Nebraska State Board of Health – 2008
Linda Lazure, PhD, RN

In 2008, 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 has prioritized the work of the regulations necessary to implement the Uniform Credentialing Act (UCA), which became operative on December 1st, 2008. This is a major effort for many DHHS staff and professional board members.
 - The Credentialing Review Committee, which reviews credentialing or scope of practice proposals, has been challenged by another year of impressive assignments.
 - A Technical Review for Certified Registered Nurse Anesthetists and the use of fluoroscopy was completed in early 2008.
 - The Board is winding up a credentialing review on Dental Assistants, which started in April 2008. This review was closely watched by many, as the outcome affected draft regulations originated by the Board of Dentistry. The Board of Health tabled the dental regulations pending the outcome of the credentialing review. Janet Coleman, public member on the Board of Health, serves as Chair of the Technical Review Committee.
 - A review of Macro Social Workers started in the fall of 2008, chaired by Roger Reamer, Hospital Administrator on the Board of Health.
 - A review of Gambling Assistance Counselors started in August, 2008, chaired by Ed Discoe, MD on the Board of Health.
 - The Committee proposed to establish a Credentialing Review Public Member Pool. The Professional Boards Committee set criteria, conducted interviews, and recommended ten individuals to the full Board of Health to appoint. An orientation session was conducted, and this effort will streamline the recruitment process for the public members who serve on technical review committees.
 - Other potential upcoming reviews: Optometry, Radiology, Polysomnographers, and Surgical Technicians.
 - 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.
 - With the passage of LB 245, communities had the option to put on their November election ballot the issue of opting out of newly mandated water fluoridation for communities or municipalities with a population of 1,000 or more. To encourage voters to make an informed vote, we sent letters to over 200 newspaper editors across the state urging them to print articles in their local papers to help educate their readers on the provisions of the “opt out” and to encourage them to “vote no to tooth decay.” The letter was printed in several newspapers, but in the end, 53 of 67 communities unfortunately voted to opt out of water fluoridation.
- This year in addition to taking a formal position of supporting various bills, I have provided testimony or sent a letter on behalf of the Board, to the Unicameral’s Health and Human Services Committee for: LB 205 (adopt the Bullying Awareness policy); LB 245 (Fluoridation of drinking water); LB 395 (Clean Indoor Act); LB 807 (Medicaid coverage of Tobacco Cessation products); and LB 836 (Prohibit smoking in a vehicle with a minor present).
- *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. Interviews were held this fall in both Kearney and Lincoln. Board of Health members used a new electronic process this year, helping our environment by wasting less paper and at the same time increasing the efficiency of how professional board applications are processed and reviewed.
 - Recruitment of professional board applicants was done this year largely through news releases, web site postings, and emails, moving away from the thousands of direct mail letters that were sent to licensees in the past – again, helping the environment and at the same time saving tax payer dollars.
 - 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.

- *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 Good Samaritan Hospital in Kearney.

- *Public health assessment, policy development, and assurance*
 - Several members continue to serve through the 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 Billy’s. We will do this again in January 2009 to help provide an educational opportunity for new senators as they begin 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. The members are appreciative of Dr. Schaefer's and Dr. Acierno's leadership.

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. We were pleased to welcome five new members in 2008, and have Dr. Paul Salansky reappointed to the Board of Health. 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,

A handwritten signature in cursive script, appearing to read "Linda Lazure".

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. Five new members: Eric Berggren, PE; Dan Bizzell, EdD; Ted Evans, DVM; Ken Kester, PharmD, JD; and John Tenny, DPM. Paul Salansky, OD, was reappointed. Five members' terms expire in 2009.
- New Chair Ed Discoe, MD and Secretary Paul Salansky, OD were elected and Vice Chair Gary Westerman, DDS was re-elected at November 2008 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:

- 133 applicants; 77 interviewed; 50 appointed in 2008, including the 10 members appointed to the Credentialing Review Public Member Pool.
- Met with 3 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. Completed review for Certified Registered Nurse Anesthetists.

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 the benefits of fluoride.

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:

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Highlights of the Nebraska State Board of Health For Year 2008

The Nebraska State Board of Health worked harder than ever during 2008. They conducted six regular meetings, including one held in Kearney. 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. There was a special meeting in April for approval of regulations. 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.

It was a year of turnover for the Board of Health members. Dr. Dale Michels attended his first meeting in January. Dr. Sam Augustine resigned in June to serve as the President Elect of the Nebraska Pharmacists Association, and Dr. Ken Kester was appointed to serve the remainder of his term. Tim Crockett, PE, Clint Schafer, DPM, and Gwen Weber, PhD, completed their five-year terms. Eric Berggren, PE, John Tennity, DPM, and Dan Bizzell, EdD were appointed to these positions by Governor Heineman. Kent Forney, DVM left the Board of Health following successful completion of two full terms, and Ted Evans, DVM was appointed to replace him.

November 17, 2008 was Dr. Linda Lazure's last day as Chair of the Board of Health. Her term on the Board will be up in August 2009, so she did not seek reappointment. Dr. Ed Discoe was elected as the new Chair, Dr. Gary Westerman was re-elected for his second term as Vice Chair, and Dr. Paul Salansky was elected as Secretary for 2009. They make up the Executive Committee, along with David Montgomery from DHHS.

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). Anne Owens provides additional support for the Board.

On January 28th Board of Health members again hosted a legislative luncheon, this year at Billy's Restaurant in Lincoln. Members of the Health and Human Services Legislative Committee and key staff were invited. This meeting was a good opportunity to meet new senators, and to provide some education on Board of Health activities.

The Board met at the Good Samaritan Hospital in Kearney on September 15th. Professional Board interviews were conducted the previous day in Kearney. Columbus Hospital will host the Board of Health for the September 21, 2009 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.

Dr. Westerman 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.

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. In 2009 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 2008 include:

1. Appointments to professional boards, including enhancement of an applicant screening tool and use of electronic means to more effectively share information;
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) reviews;
6. Writing informative articles for various public health newsletters;
7. Providing testimony before legislative hearings and in writing; and
8. Ongoing review of statutes and by-laws affecting the governing of the Board.

The Board of Health greatly appreciates the support of Dr. Joe Acierno, Deputy Chief Medical Officer of the Division of Public Health. He attended five Board of Health meetings in 2008. The Board also appreciates the written report of current public health events provided by Dr. Joann Schaefer for each meeting.

PROFESSIONAL BOARDS UPDATE:

The Board of Health has a statutory requirement to appoint members to serve on 28 health care professional boards managed by HHS Regulation and Licensure. One new board was created in 2008: the Board of Medical Radiographers, which replaced the Medical Radiography Advisory Committee. 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.

New this year was the Credentialing Review Public Member Pool. The criterion for membership was formulated in partnership with the Credentialing Review Committee. Ten members were appointed to three-year terms.

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 50 appointments made after conducting 77 interviews in 2008 from the 133 applicants are listed in Attachment II. The Board could not accomplish this great task without the hard work and cooperation of staff from the Licensure Unit of the Division of Public Health. We anticipate 52 professional board appointments to be made in March and November of 2009.

In 2000, Board of Health members started actively attending the various professional board meetings, and continue to do so by attending several meetings in 2008. 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:

- Dan Bizzell, EdD, Board of Psychology;
- Sammy White, Board of Hearing Aid Dispensers and Fitters; and
- Sharon Colling, Board of Examiners in Nursing Home Administration

for meeting with the Board of Health in 2008. 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 to 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 2008 include:

- Ongoing meetings with the Nebraska Partnership of Local Health Directors. The Board of Health appreciates Terry Krohn, Director of Two Rivers Public Health Department, for her presentation to the Board during their September meeting held in Kearney. Jeff Soukup staffs the Public Health, Education and Legislation Committee, and in September he completed a year as President of the Public Health Association of Nebraska.

- Current public health topics under review by the Board of Health: traumatic brain injury as related to the use of motorcycle helmets, the benefits of water fluoridation, and the 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. Other topics may be added based on legislation introduced during the current session.
- 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 implemented changes to their report format this year, as proposed through the Nebraska Credentialing Review recommendations. They streamlined the report process and combined the previous three reports from the technical review committee, Board of Health review, and Director of the Division of Public Health into one report.

Primary activities for this committee in 2008 were completing the review of Certified Registered Nurse Anesthetists reviews, and the start of new Reviews for Gambling Assistance Counselors; Dental Assistants; and Macro Social Workers. Work was done to form a Technical Review Committee for Surgical Technologists, but no application was received.

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, and are currently under review.

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 2008 Committee Chairs are Attachments IV a-d of this report.

The Review Panel only conducts business on an as-needed basis, and in 2008 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 2009 meeting dates are: January 26 at Nebraska Bar Foundation in Lincoln; and March 16, May 18, and July 20 in Lincoln, September 21 in Columbus, and November 16 at the State Office Building in Lincoln. Professional board interviews will be conducted in Columbus on September 20th and in Lincoln on October 18th.

- A Board of Health member serves on each PREP (Periodic Regulatory Evaluation Process) Committee, an outgrowth of the Nebraska Credentialing Reform. 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@nebraska.gov, 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. Five new members were appointed in 2008: Eric Berggren, PE; Daniel Bizzell, EdD; Theodore Evans, Jr., DVM; Kenneth Kester, PharmD, JD; and John Tennity, DPM. Paul Salansky, OD was reappointed. Five current terms expire August 1, 2009.

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Public Health, Education & Legislation Comm
Chair

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<http://www.dhhs.ne.gov/reg/bdhealth.htm>
Dates indicate expiration of terms
Updated: 1-20-09

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			
Staff:			
<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.

ll/mcg 1/28/08

STATE BOARD OF HEALTH – COMMITTEE ASSIGNMENTS FOR 2009

Professional Boards	PHEL	Rules and Regs	Credentialing Review
Pam List (Chair)	Dale Michels (Chair)	Ken Kester (Chair)	Janet Coleman (Chair)
Daryl Wills (Vice Chair)	Russell Hopp (Vice)	Linda Lazure (Vice)	Dan Bizzell (Vice)
Janet Coleman	Dan Bizzell	Eric Berggren	Eric Berggren
Linda Lazure	Ted Evans	Ted Evans	Linda Heiden
Dale Michels	Linda Heiden	Russell Hopp	Pam List
Bob Sandstrom	Ken Kester	Roger Reamer	Bob Sandstrom
John Tennity	Roger Reamer	John Tennity	Daryl Wills
Ex Officio: Discoe/ Westerman/Salansky	Ex Officio: Discoe/ Westerman/Salansky	Ex Officio: Discoe/ Westerman/Salansky	Ex Officio: Discoe/ Westerman/Salansky
Staff:			
Monica Gissler	Jeff Soukup	Joyce Davidson	Ron Briel
Review Panel:	Linda Heiden	Dan Bizzell	Ken Kester

2009 Committee Objectives

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.
- ✓ Continue to work with the professional organizations to increase the pool of applicants.
- ✓ Review professional board application forms and processes, particularly for incumbents.
- ✓ Explore the role of the committee in mediating difficulties among professional board members.
- ✓ Improve upon and continue to use more efficient electronic means of processing application forms.

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 BOH position statements directed toward public health programs and 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.
- ✓ Help plan retreats and provide program content for special meetings.
- ✓ Promote cooperative efforts with district health departments and other public health entities

Rules and Regulations Committee

- ✓ Review new regulations and amendments prior to the public hearing in order for the BOH to make comments during the public hearing stage of the regulation process.
- ✓ Review UCA implementation regulations using current processes.

Credentialing Review Committee

- ✓ Advise the 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 (Ed Discoe, MD), Vice-Chair (Gary Westerman, DDS) and Secretary (Paul Salansky, OD) 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 2008.

January

- Board of Podiatry: Appointed Scott Nelson, DPM, of Omaha to the term January 28, 2008 to November 30, 2011.
- Board of Veterinary Medicine: Appointed Andrew L. Kliwer, DVM, of Bellevue to the term January 28, 2008 to November 30, 2009.
- Physician Assistant Committee. Appointed Mike Sitorius, MD, of Omaha from the Board of Medicine and Surgery to the term of January 28, 2008 to April 16, 2011.

March

- Board of Alcohol and Drug Counselors: reappointed Marlene Schneider, LADC as the ADC, and Susan Boust, MD as the Psych or MHP Member.
- Board of Mental Health Practice: appointed Sarah Ruma, LMHP, CPC as the Certified Professional Counselor Member.
- Credentialing Review Public Member Pool: appointed James Erickson, Norman Langemach, Wendy McCarty, Michael Millea, Debra Parsow, Corrine Pedersen, Stephen Peters, Virgil Keller, and Tom Bassett.

May

No appointments made; met with two professional board chairs.

July

- Board of Medical Nutrition Therapy: Medical Nutrition Therapist Member to be Karen Miller, MS, RD, LMNT, of Lincoln, for the term of July 14, 2008 to November 30, 2010. Annetta Richards of Geneva and Jan Wadell of Lincoln will be sent special letters encouraging them to reapply for future vacancies, as all three were excellent candidates.
- Board of Examiners in Nursing Home Administration: Licensed Physician Member to be Steve Higgins, MD of Lincoln, for the term of July 14, 2008 to November 30, 2008.
- Board of Nursing: Staff Nurse Member (District 3). Defer to September meeting.
- Credentialing Review Public Member Pool: Darla Starr of Bennet to appointed to term of July 14, 2008 to March 31, 2011.

September

- Board of Registered Environmental Health Specialists: Reappointed the following four Environmental Health Specialists members for terms of January 1, 2009 through November 30, 2013: Douglas Clark of Gretna; George Hanssen of Lincoln; Scott Holmes of Lincoln; and Joyce Jensen of Lincoln.
- Board of Hearing Aid Instrument Dispensers and Fitters: Reappointed the following two members for terms of December 26, 2008 through November 30, 2013: Kimberly Joyce of Omaha for the Audiologist Member; and Stephen Boney, PhD of Lincoln for the Hearing Aid Instrument Dispenser and Fitter Member

- Board of Medical Nutrition Therapy: Appointed Whitney Sears Goldner, MD of Omaha to the Physician Member position for the term of December 1, 2008 through November 30, 2013
- Board of Medicine and Surgery: Reappointed Carl Smith, MD of Omaha to the Medical School Faculty Member position for the term of December 1, 2008 through November 30, 2013
- Board of Pharmacy: Reappointed Kevin Borchert, PharmD of Omaha to the Hospital Pharmacist Member position for the term of December 1, 2008 through November 30, 2013

November

Several appointments were made:

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art --

Cosmetologist Member: Lyra Faltys of Howells.

Board of Registered Environmental Health Specialists – four reappointments of

Environmental Health Specialist Members: Doug Clark of Gretna; George Hanssen, Scott Holmes, and Joyce Jensen, all of Lincoln.

Board of Hearing Aid Instrument Dispensers and Fitters – two reappointments:

Audiologist Member – Kimberly Joyce of Omaha, and Hearing Aid Instrument and Fitter Member Stephen Boney, PhD, of Lincoln.

Board of Massage Therapy – three Massage Therapist Members: Kimberly Adams Johnson, LMT (2013) and Keli Hupka, LMT (2011) both of Lincoln, and Ed Orcutt, LMT (2010) of Omaha. Public Member Gail Lorenzen, ME

Board of Medical Radiography – Four Medical Radiographers: Denise Logan, RT(R)(M) (2012) of Lincoln, Michael McFeely, RT (2011) of Scottsbluff, James Temme, MPA, RT (2009) of Omaha, and Ginger Winfrey, RT (2010) of Phillips. One Limited Radiographer Member: Francine Oran of Lincoln.

Board of Medicine and Surgery -- Medical School Faculty Member: reappointed Carl Smith, MD of Omaha, and Osteopathic Physician Member: Judith Scott, DO of Omaha

Board of Mental Health Practice -- Certified Professional Counselor Member: Shari Schnuelle, LIMHP, LMHP, CPC of Grand Island, and Public Member: William Gaughan of Omaha

Board of Nursing – Nursing Service Administrator Member: reappointed Lori Smith, RN of Mitchell; Staff Nurse Member: Kathryn Yost, RNC (2009) of Gering; Practical Nurse Member: Susan James, LPN-C of Kearney, and Public Member: Anthony LaRiche, Jr. of Lincoln

Board of Nursing Home Administration – Physician Member: Reappointed Steve Higgins, MD of Lincoln; Registered Nurse Member: reappointed Susan Bamesberger, RN of Hampton; and Public Member: reappointed C. Dean Schmid of Albion

Board of Occupational Therapy Practice -- Occupational Therapist Member: Linda Storz, OTR/L of Lincoln

Board of Pharmacy – Hospital Pharmacist Member: Reappointed Kevin Borchert, PharmD of Omaha

Board of Psychologists – Psychologist Member: Jerry Van Winkle, PsyD of Kearney

RULES AND REGULATIONS

Regulations for Review:

January:

- 172 NAC 95, Administration of Medications by Medication Aides and Medication Staff
- 172 NAC 96, Medication Aide Registry

March:

- 175 NAC 14 Regulations for Licensure of Home Health Agencies

May:

None

July:

- Title 179 NAC 13 Surface Water Treatment (Attachment 1, Minimum Detectable Residuals)

September:

None

November:

- Title 174 NAC 3, Viewing and Release of Vital Records (Staff: Kay Pinkley for Stan Cooper). LB 1048 last session provided for the issuance of a certificate of stillbirth, upon request of the parent and payment of a fee.
- Title 174 NAC 8, Report of Induced Abortion, Fetal Death Certificate and Still Birth Certificate (Staff: Pinkley for Cooper). These regulations contain the certificate forms for the above regulations.
- Title 178 NAC 7, Clean Indoor Air (Staff: Sara Morgan). LB 395 was signed into law in February 2008, which prohibits smoking in indoor areas. The law requires new regulations. There are three exemptions in the law: tobacco only retail outlets, up to 20% of hotel rooms, and facilities researching the health effects of smoking.
- Title 178 NAC 24, Methamphetamine Cleanup. These will come back before the Board of Health for review after clarification on an issue by the Attorney General's Office.

Regulations for Approval:

January:

- 172 NAC 53, Performance of Duties by Licensed Dental Hygienists and Dental Assistants.

March: None

May

- 172 NAC 53 Regulations Governing Performance of Duties by Licensed Dental Hygienists and Dental Assistants. – Motion made and approved to table regulations.

July:

- Nebraska Administrative Code Title 172, Chapter 2, Fees (New Regulations).
- Title 172 NAC 94, Mental Health Practitioners.
- Title 175 NAC 13 is repealed and New Title 172 NAC 108, Nursing Assistants in Nursing Homes.
- 172 NAC 53 draft regulations governing licensed dental hygienists and dental assistants: Motion made to untable these regulations; motion failed.

September:

- Nebraska Administrative Code Title 172, Chapter 61, Medical Nutrition.
- Title 175 NAC 106, Nursing Home Administrators.

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 DHHS web site.

To: Members of the Nebraska State Board of Health
From: Pam List, Chair, Professional Boards Committee
Subject: 2008 Annual Report of the Professional Boards Committee of the
Nebraska State Board of Health
Date: November 19, 2008

Committee Members:

Pam List, APRN, Chair; Roger Reamer, Hospital Administrator, Vice Chair;
Janet Coleman; Ted Evans, DVM; Dale Michels, MD; Paul Salansky, OD; John Tennity, DPM;
and Daryl Wills, DC.
Other Members who Served on this Committee in 2008: Roger Reamer, Hospital Administrator
(served as Vice Chair); Kent Forney, DVM; and Clint Schafer, DPM.
Committee Staff: Monica Gissler

Committee Duties and Responsibilities:

In January 2008 Chairman Lazure established the following goals for this committee:

- ✓ Evaluate and refine guidelines for the selection and screening process of board appointees.
- ✓ Provide input to legislators regarding implementation of the definition of public members.
- ✓ Develop interview guidelines for applicants' review prior to their interviews.
- ✓ Collaborate with the Board of Nursing and nursing organizations to increase the applicant pool and to fulfill statutory requirements for practice areas and congressional districts.
- ✓ Enhance communication between the BOH and professional boards, including BOH members' liaison meeting attendance and informational lunches.
- ✓ Continue to build and utilize the database of applicants who were excellent candidates.
- ✓ Obtain feedback from interviewed professional board applicants via devised survey.

Activities for 2008:

January:

- The Board of Health hosted senators and their staff at a luncheon held at Billy's.
- Dr. Salansky attended the Board of Optometry meeting on October 31, 2007. Sam Augustine, RP represented the Board of Health at the Professional Boards Orientation for new members held December 4, 2007.
- Seven applicants were interviewed for three open positions. Andrew Kliewer, DVM was appointed to the Board of Veterinary Medicine for the term of January 28, 2008 to November 30, 2009. Scott Nelson, DPM was appointed to the Board of Podiatry for the term of January 28, 2008 to November 30, 2011. Mike Sitorius, MD from the Board of Medicine and Surgery was appointed to the Physician Assistant Committee for the term of January 28, 2008 to April 16, 2011.

March:

- Paul Salansky, OD attended the February 12th Board of Athletic Trainers meeting. Gwen Weber, PhD attended the March 7th Board of Mental Health Practice.
- Sixteen interviews were conducted for three professional board positions. Marlene Schneider, LADC was reappointed to the Board of Alcohol and Drug Counselors. Susan Boust, MD was reappointed to the Board of Alcohol and Drug Counselors. Sarah Ruma, LMHP, CPC was appointed to the Board of Mental Health Practice.
- Interviews were also held for public members to serve in the Credentialing Review Public Member Pool. Appointed to this Pool were James Erickson, Norman Langemach, Wendy McCarty, Michael Millea, Debra Parsow, Corrine Pedersen, Stephen Peters, Virgil Keller, and Tom Bassett.

May:

- Pam List, APRN attended the APRN Board meeting on April 18th. Sam Augustine, RP attended the Board of Pharmacy meeting on May 5th. Paul Salansky, OD attended the May 8th Board of Optometry meeting.
- To provide for more effective communication with the individual boards, the Committee continued to invite board chairs to the Professional Boards Committee meeting. Dan Bizzell, PhD, Chair of the Board of Psychology and Sam White, Chair of the Board of Hearing Aid Dispensers and Fitters attended the meeting. Each provided an overview of the work of his board and specific issues and concerns.
- The evaluation form used by staff to evaluate board members was revised. It was agreed that fellow board members and Board of Health members assigned to the particular board will also be asked to complete a peer evaluation. This new process will be used for the fall 2008 interviews.

July:

- Three interviews were conducted for two board positions. Karen Miller, MS, RD, LMNT, of Lincoln, was appointed to the Board of Medical Nutrition Therapy; Steve Higgins, MD was appointed to the Board of Nursing Home Administration; Darla Starr of Bennet was appointed to the Credentialing Review Public Member Pool.

August:

- Committee members prescreened applicants. A total of 66 persons applied and 34 were scheduled for interviews. In an effort to save printing and postage costs, applications were scanned into PDF files and sent electronically to committee members.

September:

- Interviews were conducted prior to the regular Board of Health meeting held in Kearney. Several committee members used personal laptop computers to view the applications which were available on CDs. Thirteen interviews were conducted with several applicants interviewing by conference call.
- Dr. Wills reported that he attended the Board of Chiropractic in August.

- The following appointments were made at the Kearney meeting on September 15th: Douglas Clark, George Hanssen, Scott Holmes, and Joyce Jensen to the Board of Registered Environmental Health Specialists; Kimberly Joyce, Audiology Member and Stephen Boney, PhD, HAIDF member to the Board of Hearing Aid Instrument Dispensers and Fitters; Carl Smith, MD to the Board of Medicine and Surgery; and Kevin Borchert to the Board of Pharmacy.

October:

- 20 interviews were scheduled and 16 interviews were conducted in Lincoln on Sunday, October 5th.

November:

Dr. Bizzell reported that he attended the Board of Psychology meeting in September.

Dr. Westerman attended the Board of Dentistry meeting in September.

Dr. Tennity attended the Board of Podiatry meeting in September.

Dr. Kester attended the Board of Pharmacy meeting in November.

Four more professional board interviews were conducted. The following individuals were appointed, most with terms through November 30, 2013, unless indicated otherwise:

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art --

Cosmetologist Member: Lyra Faltys of Howells

Board of Registered Environmental Health Specialists – four reappointments of

Environmental Health Specialist Members: Doug Clark of Gretna; George Hanssen, Scott Holmes, and Joyce Jensen all of Lincoln

Board of Hearing Aid Instrument Dispensers and Fitters – two reappointments:

Audiologist Member – Kimberly Joyce of Omaha, and Hearing Aid Instrument and Fitter Member Stephen Boney, PhD of Lincoln

Board of Massage Therapy – three Massage Therapist Members: Kimberly Adams Johnson,

LMT (2013 term) and Keli Hupka, LMT (2011 term) both of Lincoln, and Ed Orcutt, LMT (2010 term) of Omaha. Public Member Gail Lorenzen, ME

Board of Medical Nutrition Therapy -- Physician Member Whitney Sears Goldner, MD of Omaha

Board of Medical Radiography – Four Medical Radiographers: Denise Logan, RT(R)(M) (2012

term) of Lincoln, Michael McFeely, RT (2011 term) of Scottsbluff, James Temme, MPA, RT (2009 term) of Omaha, and Ginger Winfrey, RT (2010 term) of Phillips. One Limited Radiographer Member: Francine Oran of Lincoln.

Board of Medicine and Surgery -- Medical School Faculty Member: reappointed Carl Smith,

MD of Omaha, and Osteopathic Physician Member: Judith Scott, DO of Omaha

Board of Mental Health Practice -- Certified Professional Counselor Member: Shari Schnuelle,

LIMHP, LMHP, CPC of Grand Island, and Public Member: William Gaughan of Omaha

Board of Nursing – Nursing Service Administrator Member: reappointed Lori Smith, RN of

Mitchell; Staff Nurse Member: Kathryn Yost, RNC (2009) of Gering; Practical Nurse Member: Susan James, LPN-C of Kearney, and Public Member: Anthony LaRiche, Jr. of Lincoln

Board of Nursing Home Administration – Physician Member: Reappointed Steve Higgins, MD of Lincoln; Registered Nurse Member: reappointed Susan Bamesberger, RN of Hampton; and Public Member: reappointed C. Dean Schmid of Albion

Board of Occupational Therapy Practice -- Occupational Therapist Member: Linda Storz, OTR/L of Lincoln

Board of Pharmacy -- Hospital Pharmacist Member: Reappoint Kevin Borchert, PharmD of Omaha

Board of Psychologists -- Psychologist Member: Jerry Van Winkle, PsyD of Kearney

Goals for 2009:

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. Increase the number of board members maintaining contact with the assigned professional boards 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 2009 outside of Lincoln, interviews may also be offered at this location for the convenience of applicants. The prescreening process will be continue to be evaluated and revised as necessary.
3. Continue to work with professional organizations to increase the pool of qualified applicants for positions.
4. Utilize the newly implemented peer evaluation process for incumbents for the 2009 interviews and develop a method of obtaining feedback from board members and staff about the process.
5. 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. These applicants should receive consideration for the Credentialing Review Pool.
6. Further define the role of the committee in mediating difficulties among professional board members.

To: Members of the Nebraska State Board of Health
From: Edward Discoe, M.D., Chairperson of the Credentialing Review Committee
Subject: 2008 Annual Report of the Credentialing Review Committee of the Nebraska State Board of Health
Date: December 12, 2008

Committee Duties and Responsibilities:

The 2008 assignment was to continue to work toward improving the efficiency of the Credentialing Review Program, and to assist the full Board with any new credentialing reviews that arise.

Committee Members:

Current Committee Members: Edward Discoe, M.D., (Chair); Daryl Wills, D.C., (Vice Chair); Roger Reamer, H.A.; Janet Coleman, Eric Berggren, and Dan Bizzell, Ed.D.
Former Committee members whose terms ended in July: Gwen Weber, PhD; Tim Crockett, PE.
Staff: Ron Briel

Goals for 2008 were 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,
- 3) Screen and advise the full Board regarding members of upcoming technical review committees, and advise on which Board members would be appropriate as chairpersons, and,
- 4) Screen and advise the full Board regarding the appointment of the members of the Credentialing Review Public Member Pool.

Activities for 2008 were as Follows:

On January 28, 2008, the Committee members formulated advice to the full Board regarding the composition of the Credentialing Review Public Member Pool, and on the composition of the Surgical Technology Technical Review Committee. The establishment of the Public Member Pool represents the culmination of an effort by the Board to streamline the recruitment process for public members of technical review committees that function under the auspices of the Credentialing Review Program. The surgical technology issue arose as a result of the stated intention of representatives of this profession to undergo credentialing review pursuant to becoming licensed in Nebraska. Currently, surgical technologists are not regulated in Nebraska.

On May 19, 2008, the Committee members reviewed the draft fact sheet for the Public Member Pool.

On July 14, 2008, the Committee members submitted to the members of the full Board the names of persons advanced for further consideration for membership on the upcoming Macro Social Work Technical Review Committee for the full Board's review and recommendation.

Representatives of the Social Work profession have submitted a proposal for credentialing review that seeks to create a separate licensure category for macro social workers. Macro social work comprises such non-clinical services and activities of social work as advocating for vulnerable populations and organizing efforts to provide services to vulnerable populations, for example.

The Committee met via conference call on August 27, 2008 to finalize their advice regarding the composition of the Macro Social Workers Technical Review Committee.

Goals for 2009 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 2009:

The Committee members will present their recommendations to the full Board on the Gambling Counselor proposal and the Macro Social Work proposal once the respective technical committees complete their work on these proposals. The gambling counselor issue arose from efforts by Nebraska's gambling counselors to undergo a review of a proposal to license the members of their profession. Currently, gambling counselors are certified in Nebraska.

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: Dale Michels, MD, Committee Chair
Subject: 2008 Report of the Public Health, Education and Legislation Committee of the
Nebraska State Board of Health
Date: November 18, 2008

Committee Members:

Dale Michels, MD, (Chair); Russell Hopp, DO (Vice Chair); Daniel Bizzell, EdD; Ted Evans, DVM; Linda Heiden, Public Member; Ken Kester, PharmD, JD; and Roger Reamer, MBA, Hospital Administrator.

Committee Duties and Responsibilities:

The Public Health, Education, and Legislation (PHEL) Committee met six times during 2008 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.

Committee Objectives for 2008:

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 2008:

January:

LEGISLATIVE DISCUSSION. Dr. Augustine, Chair of the Public Health, Education and Legislation Committee, listed bills of interest to his committee, as determined during a committee conference call held on January 25, 2008, and committee discussion held the morning of January 28th. Participants included Dr. Augustine, Dr. Lazure, Dr. Weber, Dr. Westerman, and staff Jeff Soukup and Monica Gissler. Dr. Augustine made a committee motion to reaffirm these positions: voting yes: all 15 (Augustine, Coleman, Discoe, Forney, Heiden, Hopp, Lazure, List, Michels, Reamer, Salansky, Sandstrom, Schafer, Weber, Westerman, Wills). Motion carried. (A supermajority of 12 was needed to pass this motion.)

Here are the priority bills to the Nebraska Board of Health during the 2008 legislative session including the action the board took on each and Legislative outcome.

48	Dierks	HHS	Exempt CRNA from certain radiation-use qualifications. Failed to advance.
157	Stuthman	Judiciary	Safe haven law. Provide for leaving an infant with a fire fighter or hospital. SUPPORT. Final amended version signed by Governor on 2/13/08 made significant changes to the bill that allowed child of any age to be left in the custody at any hospital. Strong concerns by NHA.
194	Pals	HHS	1-31-07 Change disciplinary provisions of the ULL. Will require new regs or changes to existing regs. OPPOSE. Provided testimony. Failed to advance.
205	Howard	Education	Require schools to adopt a bullying policy. SUPPORT. Letter of support from board. Governor signed 2/7/08.
245	Johnson	HHS	Change provisions relating to fluoridation of drinking water. SUPPORT. Letter of support from board. Passed on 4/17/08 overriding Governor veto.
253	Rogert	Transpt	Adopt the Motorcycle Safety and Training Act and change motorcycle helmet provisions. OPPOSE. Failed to advance.
395	Johnson	HHS	Requires worksites including all restaurants and bars to be smokefree. SUPPORT. Letters of support from board. Signed by Governor 2/26/08.
807	Aguilar	HHS	Requires coverage of tobacco-use cessation counseling and pharmaceuticals by Medicaid. SUPPORT. Letter of support from the board. Signed by Governor on 4/2/08.

1149 Johnson HHS Provide funding for behavioral health workforce development. SUPPORT. Failed to advance.

March:

- Legislative update. Thank you letters were signed by all Board of Health members present and sent to all state senators recognizing their work on LB 395 (state smokefree worksite law)
- Dr. Michels reported on a conversation with Jeff Santema that the HHS Committee of the Legislature does not hear much from Board of Health on health issues. Dr. Michels expressed that this is a disconnect that we need to solve.
- There was discussion on the final amended language of the safe haven bill (LB 157) that was signed into law and possible consequences of the Legislation. Information was included in bill summary grid.
- Media and Education Plans / Public Health Month Update. Once the Board has reviewed and approved the health program recognition form and process the information will be widely disseminated to local health departments, departments with DHHS, Public Health Association of Nebraska, etc. in order to make them aware of this opportunity to recognize outstanding programs within their communities. The goal is to recognize at least one program per year.

May:

- Media and Education Plans / Public Health Month Update. Dr. Augustine discussed this with Dr. Acierno just before Dr. Schaefer had surgery, and they agreed to hold it in abeyance until after she returns.
- LB 245 Fluoridation. Dr. Westerman discussed that the Board of Health did support this bill and it did pass after an override of the Governor's veto. \$1.2M is anticipated to get communities up to speed for education and the Nebraska Dental Association will do whatever they can to help this transpire. It could be community money, federal money, etc. This would be a lot easier to achieve if we had a State Dental Director.
- Recognition to public health programs and individuals. Will try to become more active as a committee and will keep updated.

July:

- Fluoridation support letters – there is concern regarding the amount of controversy related to fluoridation – need to supply letters/statements of support to communities. We encourage the Nebraska Dental Association to strongly support this in their communities. Jeff Soukup will follow up with a letter to the NDA.

September:

- There was an update by Jeff Soukup on the smoke-free worksite law (LB395) implementation. Information is available at www.smokefree.ne.gov. The public hearing on the Clean Indoor Act was held on September 25th.

- There was committee discussion about sending a letter to the editors of community newspapers across the state about LB 245, the water fluoridation bill. Specifically, there is concern about the opt-out provision language on ballots being clearly written and easily understandable by the public. Jeff and Monica will draft a letter.
- Public Health Recognition Program – all were in favor by voice vote to resurrect this program. Letters will be sent to the local health directors, with a possible tie in to PHAN (Public Health Association of Nebraska).
- Possible retreat for January 25^h. The PHEL Committee will develop the draft agenda at their November meeting.
- The PHEL conference call to review legislation introduced will be on Friday, January 23, 2009.

November

- Legislative Update – Fluoridation - 61 communities had the option to “opt out” on their November ballot, and 49 communities did that. We congratulate the 12 communities who stepped up to the plate and voted for fluoridation.
- Legislative Luncheon January 26, 2009 – some plans to combine issues to help the new senators, including a brief explanation of the 407 process and board appointment process. There will be a PHEL Committee conference call on January 23rd to review the priority legislative bills, starting at noon on that Friday.

January 12, 2009

*RULES AND REGULATIONS COMMITTEE
OF THE STATE BOARD OF HEALTH
ANNUAL REPORT FOR 2008*

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, Pharm D; Tim Crockett, PE, Kent Forney, DVM; Russell Hopp, DO, Pam List, MSN, APRN, Ken Kester, Pharm D.,JD, Eric Berggren, PE, and Ted Evans, DVM.

Staff: Joyce Davidson

Activities for 2008

January 28

Approved the following regulations:

- 172 NAC 53, Performance of Duties by Licensed Dental Hygienists and Dental Assistants

Reviewed the following regulations:

- 172 NAC 95, Administration of Medications by Medication Aides and Medication Staff
- 172 NAC 96, Medication Aide Registry

March 10

Approved the following regulations:

- 175 NAC 14, Home Health Agencies

April 8 (Emergency Meeting of the Board of Health)

Approved the following regulations:

This special meeting was called to obtain approval of 172 NAC 137, Practice of Physical Therapy.

May 19

After much discussion the Board moved to table approval of Title 172, Chapter 53, Performance of Duties by Licensed Dental Hygienists and Dental Assistants until the 407 process is complete.

July 14

Approved the following regulations:

- Title 172, Chapter 2, Fees (New Regulations)
- Title 172 NAC 94, Mental Health Practitioners
- Title 175 NAC 13, Approval of Training Programs for Nursing Assistants is repealed and New Title 172 NAC 108, Nursing Assistants in Nursing Homes

Reviewed the following regulations:

- Title 179 NAC 13 Surface Water Treatment (Attachment 1, Minimum Detectable Residuals)

Sep 15

Approved the following regulations:

- Title 172 NAC 6I, Medical Nutrition Therapy
- Title 172 NAC 106, Nursing Home Administrators

November 17

Reviewed the following regulations:

- Title 174 NAC 3, Viewing and Release of Vital Records
- Title 174 NAC 8, Report of Induced Abortion, Fetal Death Certificate and Still Birth Certificate
- Title 178 NAC 7, Clean Indoor Air
- Title 178 NAC 24, Methamphetamine Clean Up (New Regulations)

GOALS for 2009

The Rules and Regulations Committee will continue reviewing proposed regulations due to Laws 2007, LB 463, the Uniform Credentialing Act (UCA) implementation. These will be in addition to other regulations going through the regulation process throughout 2009.