

*Report of the
Nebraska State Board of Health
For 2010*

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

NEBRASKA STATE BOARD OF HEALTH
Annual Report for 2010
Adopted January 24, 2011

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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.

Chair's Report
Nebraska State Board of Health – 2010
Edward Discoe, M.D.

In 2010, 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 BOH. The committee has been working to streamline the review process to improve the efficiency of the BOH regulation discussions. There is a lot of work underway to meet the requirements for new and revised regulations due to the Uniform Credentialing Act.
 - The Credentialing Review Committee, which reviews credentialing or scope of practice proposals, has been challenged this year by several impressive assignments.
 - 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.
 - Due to restructuring of DHHS, there was a change of staff support to this committee as three regulatory analyst positions were eliminated.
 - These Board of Health members testify in person or send letters of testimony on behalf of the Board of Health to convey our concerns on proposed legislation. This year Board of Health members testified or wrote letters about 12 introduced bills, while tracking an additional 70 introduced bills.

- *Professional Boards*
 - The Professional Boards Committee has been working diligently to meet the goals established in January 2010.
 - Each Board member serves as a liaison to specific professional boards and provides information to the rest of the committee and Board.
 - We have refined a screening process for the professional board applications out of respect for the time of both the applicant and the Board of Health members.
 - We processed 95% of the applications electronically, saving resources.

- *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 recognizes public health programs and providers who offer exemplary service via the Community Public Health Recognition program. This year Nebraska Nurse Practitioners was honored for conducting free skin cancer screenings and for providing education information to the

public about prevention and early identification of skin cancers. The Mission of Mercy dental program was also recognized for their free dental clinics.

- The Board of Health is very interested in helping educate the public about pertinent health issues that exist in this multi-faceted state.

- *Public health assessment, policy development, and assurance*
 - Besides participating in the work of the standing committees, several members (Bizzell, Kester, and Heiden) serve as members of an ad hoc Review Panel that investigates when an issue concerning a board arises. When presented to the Board of Health, the Review Panel becomes “prosecutors” and the rest of the BOH becomes “jurors”.
 - Several members continue to serve through the Nebraska Center for Nursing Board, Turning Point, as well as other policy boards.
 - 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 BOH 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. In addition to members of the HHS Legislative Committee, all new senators were invited regardless of committee assignment. We appreciate the opportunity to communicate with the senators about BOH concerns and to provide them with advice on health care issues.
 - 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.
 - When a member completes their service on the Board of Health, a staff member conducts a debrief session. Last year we reviewed the exit interview/debriefs from the past ten years, and found that several outgoing members expressed a desire for increased communication with the agency and the Governor’s office.

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 dedicated service to the citizens of this state. In addition, the DHHS staff continues to provide excellent seasoned support to make this possible, and we all applaud and thank them for their service.

Looking ahead to 2011, we are poised to help with any challenges surrounding the changing landscape of national health care reform and our fickle economy. Both are poised to change the lives and livelihoods of all Nebraskans. We are committed to our role as advocates for the public, while also being good stewards of state resources. Efforts are always under way to create better communications throughout the DHHS.

It is inspiring to see the passion that exudes from the various individuals on the Board of Health as they serve their fellow Nebraskans. These professionals ultimately sacrifice time pleasure and comforts in an attempt to provide timely high quality advice and guidance to the DHHS and ultimately the citizens of Nebraska. Newer members add vibrancy and inject new vigor and insight into persistent and new issues.

I was honored to serve two terms as Chair of the Board of Health. On November 15, 2010 Dr. Gary Westerman, the dentist representative on the Board, was elected as Chair for 2011. Dr. Westerman has been a very active member of the board of health. His input as Vice Chair during the past two years has been invaluable. He will undoubtedly provide a high quality of leadership and direction for the Board of Health over the upcoming year. Dr. Westerman previously served as Vice Chair. Dr. Daryl Wills is the new Vice Chair, and Dr. Dale Michels is our new Secretary.

In 2010 we said farewell to three of our members: Linda Heiden, a public member from Bertrand; Pam List, APRN; a nurse member from Beemer; and Bob Sandstrom, PhD, PT, the physical therapist member from Omaha. In turn, we welcomed the following new members: Debra Parsow, public member from Omaha; Diane Jackson, APRN, a nurse from Franklin; and Wayne Stuberg, PhD, PT, our new physical therapist from Omaha.

We welcome any suggestions and inquiries from the public that might allow us to serve the state better.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Edward Discoe, M.D.", written in a cursive style.

Edward Discoe, M.D.
Chairperson
State Board of Health

2010 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. Three new members were appointed in September 2010: Diane Jackson, APRN of Riverton, and Wayne Stuberg, PhD, PT and Debra Parsow both of Omaha. Four members were reappointed (Coleman, Michels, Reamer, and Wills). No terms expire in 2011.
- New Chair Gary Westerman, DDS; Vice Chair Daryl Wills, DC; and Secretary Dale Michels, MD were elected at November 15, 2010 meeting.
- Meetings held the third Monday of odd months, except fourth Monday in January.
- September 2010 the Board met in Hastings. As a cost saving measure, the May and July meetings were consolidated into one meeting held in June.

PROFESSIONAL BOARD APPOINTMENTS:

- 89 applicants; 72 interviewed; 49 appointed in 2010.

RULES AND REGULATIONS:

- 11 sets approved; 11 sets reviewed in 2010.

CREDENTIALING REVIEWS:

- Gamblers Assistance Counselors; Optometry, and Applied Behavior Analysts.

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.

REVIEW PANEL:

- One professional board member was removed for cause.

REPRESENTATION ON OTHER COMMITTEES:

- Nebraska Center for Nursing
- Nebraska Rural Health Advisory Committee
- Turning Point Public Health Collaboration
- State Trauma Board

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STATE BOARD OF HEALTH – COMMITTEE ASSIGNMENTS FOR 2011

| Professional Boards | PHEL | Rules and Regs | Credentialing Review |
|---|---|---|---|
| John Tennity (Chair) | Russell Hopp (Chair) | Ken Kester (Chair) | Janet Coleman (Chair) |
| Paul Salansky (V.Chair) | Roger Reamer (Vice) | Rich Robinson (Vice) | Dan Bizzell (Vice) |
| Janet Coleman | Dan Bizzell | Russell Hopp | Ed Discoe |
| Ted Evans | Ed Discoe | Diane Jackson | Debra Parsow |
| Diane Jackson | Ted Evans | Roger Reamer | Luisa Rounds |
| Rich Robinson | Ken Kester | Paul Salansky | Wayne Stuberg |
| Luisa Rounds | Debra Parsow | Wayne Stuberg | John Tennity |
| Ex Officio: Westerman/ Wills/Michels | Ex Officio: Westerman/ Wills/Michels | Ex Officio: Westerman/ Wills/Michels | Ex Officio: Westerman/ Wills/Michels |
| Staff: | | | |
| Monica Gissler | Monica Gissler | Kay Pinkley | Ron Briel |
| Review Panel: | Roger Reamer | Dan Bizzell | Ken Kester |

2011 Committee Objectives

Professional Boards Committee

- ✓ Continue the process of inviting professional board chairs to meet with the Committee.
- ✓ Utilize the prescreening process again to make the best use of our interview times.
- ✓ 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.
- ✓ Utilize the recently implemented peer evaluation process for incumbents for the 2010 interviews and develop a method of obtaining feedback from board members and staff about the process.
- ✓ Further define 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 about selected health programs in Nebraska that promote public health and the prevention of health and behavioral health problems.
- ✓ Develop BOH position statements directed toward public health issues that affect Nebraskans.
- ✓ Review, select, prioritize and advocate for proposed legislation that enhances health of Nebraskan’s citizens.
- ✓ Advocate and support legislative efforts to enhance opportunities for the education and development of health care professionals in Nebraska, especially in underserved areas.
- ✓ Help plan retreats and provide program content for special meetings of the Board of Health.
- ✓ Promote cooperative efforts with district health departments and other public health entities
- ✓ Honor those public health programs that have worked to improve the lives of Nebraskans

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 change in scope of practice or new credentialing.
- ✓ Continue to work towards improving the efficiency and effectiveness of the Credentialing Review Program, and,
- ✓ Screen and advise the BOH regarding members of upcoming technical review committees, and advise on which Board of Health members would be appropriate as chairpersons.

The BOH Chair (Gary Westerman, DDS), Vice-Chair (Daryl Wills, DC) and Secretary (Dale Michels, MD) are 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.

To: Members of the Nebraska State Board of Health
From: Janet Coleman, Chairperson of the Credentialing Review Committee
Subject: 2010 Annual Report of the Credentialing Review Committee of the Nebraska State Board of Health
Date: November 15, 2010

Committee Duties and Responsibilities:

The 2010 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: Janet Coleman, (Chair); Dan Bizzell, Ed.D., (Vice Chair); Theodore Evans, D.V.M.; Diane Jackson, A.P.R.N.; Wayne Stuberg, Ph.D., P.T.; John Tenny, D.P.M.; and Daryl Wills, D.C.

Former Committee Members: Linda Heiden; Pam List, A.P.R.N.; Robert Sandstrom, P.T.; and Rich Robinson, P.E.

Staff: Ron Briel

Goals for 2010 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, 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 2010 were as follows:

On January 25, 2010, the members of the full Board of Health approved their report of the recommendations on the Optometric proposal for a change in scope of practice. This meant that the full Board report recommended against approval of the Optometric proposal.

On March 15, 2010, the members of the full Board of Health advised the Director of Public Health on the composition of the upcoming Genetic Counselors' Technical Review Committee.

On June 20, 2010, the members of the Credentialing Review Committee of the Board participated in a retreat to discuss ideas for improving the Credentialing Review Program.

On August 23, 2010, the members of the Credentialing Review Committee of the Board advised the members of the full Board of Health on the Applied Behavior Analysts' proposal for licensure. The Committee members advised the full Board not to approve this proposal.

On September 27, 2010, the members of the full Board of Health made their recommendations on the Applied Behavior Analysts' proposal for licensure by approving the advice of their Credentialing Review Committee on this proposal. This meant that the Board members recommended against approval of the proposal.

On November 3, 2010, Credentialing Review Program staff persons met with Senator Campbell, representatives of the State Board of Health, and other interested parties to the Credentialing Review Program to discuss ideas for improving the procedures of this program. The attendees were informed that legislation to improve the program would not be advanced for consideration in the 2011 legislative session, but that an effort would be made to create and submit a bill to accomplish this task in the 2012 legislative session.

On November 15, 2010, the members of the full Board of Health approved their report of recommendations on the Applied Behavior Analysts' proposal. This meant that the full Board report recommended against approval of the Applied Behavior Analysts' proposal.

Goals for 2011 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 2011 are as follows:

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.

RB 10/18/10

To: Members of the Nebraska State Board of Health
From: Daryl Wills, DC, Chair, Professional Boards Committee
Subject: 2010 Annual Report of the Professional Boards Committee of the
Nebraska State Board of Health
Date: November 15, 2010

Committee Members:

Daryl Wills, DC (Chair); John Tennity, DPM (Vice Chair); Janet Coleman, Public Member; Diane Jackson, APRN; Debra Parsow, Public Member; Rich Robinson, PE; Luisa Rounds, RN; and Wayne Stuber, PhD, PT. (Pam List, APRN and Linda Heiden were members until their Board of Health terms expired on August 1, 2010.)

Officers Ex-Officio Members: Chair Ed Discoe, MD; Vice Chair Gary Westerman, DDS; and Secretary Paul Salansky, OD.

Staff: Monica Gissler

Committee Duties and Responsibilities:

In November 2009, current Committee Chair Pam List and members established the following goals for this committee in 2010:

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. Discuss possibilities for consolidation or mergers of boards.
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 2010 outside of Lincoln, interviews may also be offered at this location on the previous day for the convenience of applicants. The prescreening process will be continue to be evaluated and revised as necessary. There are 41 scheduled professional board vacancies in 2010.
3. Continue to work with professional organizations to increase the pool of qualified applicants for positions.
4. Utilize the recently implemented peer evaluation process for incumbents for the 2010 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 or PREP.
6. Further define the role of the committee in mediating difficulties among professional board members.

Activities for 2010:

January:

- Luisa Rounds attended the Board of Nursing meeting on January 14th.
- Rich Robinson attended the Board of Registered Environmental Health Specialists on December 10th.
- Rich Robinson presented an overview of the Board of Health at the New Professional Board Members Orientation meeting on December 14, 2009.
- Sharon Balters, LMNT, was appointed to the Board of Medical Nutrition Therapy for the term of 12/01/09 through 11/30/14.
- Todd Mulliner, JD, was appointed as a public member to the Board of Psychology, for the term of 12/01/09 through 11/30/14.

March:

- Dr. Bizzell attended the Board of Mental Health Practice meeting on March 5th; was impressed with the disciplinary process and the interaction among members.
- Conducted seven interviews earlier in the day for five vacancies on the Board of Alcohol and Drug Counseling and the Board of Nursing Home Administration. Three of the vacancies are due to resignations.

Board of Alcohol and Drug Counseling:

Reappoint William Mulligan of Valentine to the public member term of April 1, 2010 through November 30, 2015.

Reappoint Jason “Jay” Conrad of Lincoln to the Alcohol and Drug Counselor member term of April 1, 2010 through November 30, 2015.

Board of Nursing Home Administration:

Appoint Peggy Rogers of McCook to the Non-Profit Administrator term of March 15, 2010 through November 30, 2010.

Appoint Kevin Moriarty of Holdrege to the Non-Profit Administrator term of March 15, 2010 through November 30, 2014.

Appoint Susan Vlach, RN of Scotia to the Registered Nurse member term of March 15, 2010 through November 30, 2013.

- Review Panel. Dr. Kester gave an update on the appeal case of Dr. Cain. The Lancaster County District Judge affirmed the decision of the Board of Health to remove Dr. Cain from the Board of Veterinary Medicine & Surgery.
- Changes to the Guideline for Board of Health Member Attendance at Professional Board Meetings 1-04(2) were approved. Dave Montgomery explained that the written policy had not been updated in five years, but the changes were in use. Ms. Coleman asked if there is a way to consider a waiver – i.e., Board of Massage Therapy, which was not doing well and most meetings were attended by a Board of Health member and they felt that made a big difference. Mr. Montgomery read proposed amendment language: “If the Board engages in a mediation effort with the professional board, expenses necessary for that effort may be approved by the Executive Committee.”

June:

- Dr. Wills attended the Board of Chiropractic meeting on March 18th via teleconference.
- Dr. Evans listened to the Board of Veterinary Medicine teleconference call on April 27.
- Dr. Kester participated in the Board of Pharmacy teleconference on May 10th and the Perfusionists Committee teleconference.
- Dr. Tennity participated in the Board of Podiatry teleconference.
- Board of Veterinary Medicine and Surgery. Four interviews were conducted this morning. Appoint Paul Foy, DVM of Ogallala for the partial term of June 21, 2010 through November 30, 2011.
- The Committee met with three professional board chairs:
 - Frank Freihaut, Board of Respiratory Care – very good report and interaction with staff. Would like a computer-based jurisprudence exam.
 - Chad Kinert, Board of Athletic Training
 - Gail Lorenzen, Board of Massage Therapy – they are considering a 407 review regarding reflexology.

The Committee thanked Pam List. This was her last meeting with the Board of Health. Pam made wonderful contributions as a long standing Professional Boards Committee member and then Chair.

August:

- Committee members prescreened applicants. A total of 87 individuals applied and 60 were scheduled for interviews to fill 42 vacancies. In an effort to save printing and postage costs, applications were scanned into PDF files and sent electronically to committee members.

September:

- Thirteen interviews were conducted on the day prior to the regular Board of Health meeting held in Hastings. Several committee members used personal laptop computers to view the applications which were available on CDs.

October:

- 47 interviews were scheduled and 36 were conducted in Lincoln on Sunday, October 24th. Eight Board of Health members participated in conducting interviews.

November:

The following individuals were appointed, most with terms through November 30, 2015, unless indicated otherwise:

Board of Advanced Practice Registered Nurses – Reappoint Ruth van Gerpen, APRN-CNS, AOCNS of Lincoln for Clinical Nurse Specialist; Reappoint George Adam, MD of Hastings for Physician; Reappoint Stephen Jackson, MPH of Omaha for Public Member. Still vacant: Certified Nurse Midwife member.

Board of Alcohol and Drug Counseling – Appoint Natasha Robinson, LIMHP, LCSW, LADC of Omaha for Psychiatrist, Psychologist or MHP.

Board of Athletic Training – Reappoint Chad Kinart, AT of Omaha for Athletic Trainer.

Board of Audiology and Speech-Language Pathology – Appoint Ryan McCreery, MS, CCC-A of Omaha for Audiologist; appoint Jill Champley, PhD of Omaha for Speech-Language Pathologist.

Board of Chiropractic – Appoint Mark Wurth, DC of Omaha for Chiropractor.

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art -- Reappoint Melanie Judkins of Omaha for Body Artist; appoint Jason Lassek of Omaha for Cosmetology Instructor; reappoint Marie Nordboe of Ames for Salon Owner; and appoint Linda Heiden of Bertrand for public member term through November 30, 2015 and Lisa Pfeil of St. Paul for public member partial term of November 15, 2010 through November 30, 2012.

Board of Dentistry – Appoint Joan Sivers, DDS of Lincoln for Dental School Faculty; reappoint Mark Hinrichs, DDS of Lincoln for Dentist.

Board of Funeral Directing and Embalming – Appoint John Rice of Genoa for funeral director, reappoint Randal Bangert for public member.

Board of Hearing Instrument Specialists – Appoint Michael Pierce of Lincoln for Public Member.

Board of Massage Therapy – Adele Schmidt, LMT of Columbus.

Board of Medical Nutrition Therapy – Reappoint Karen Miller, MS, RD, LMNT of Lincoln; Appoint Paula Ritter-Gooder, PhD, RD, LMNT of Seward for Medical Nutritional Therapist Members partial term through November 30, 2014 and William Moore, MDiv of Nebraska City for term through November 30, 2015.

Board of Medical Radiography – Appoint Brandon Holt, RT(R) of Lincoln for Medical Radiographer.

Board of Medicine and Surgery – Reappoint Vonn Roberts, MD of Lincoln for Physician.

Board of Mental Health Practice – Reappoint Janice Fitts, MSW of Gering for Certified master Social Worker; appoint Thomas Maxson, MS, LIMHP, LADC, SAP of Kearney and reappoint Susan Meyerle, PhD of Lincoln for Licensed Mental Health Practitioner.

Board of Nursing – Appoint Linda Lazure, PhD, RN of Omaha for Baccalaureate Nurse Educator; reappoint Janet Andrew, LPN-C of Auburn for Practical Nurse; and appoint Mary “Francie” McNeil, RN, BSN of Omaha for Staff Nurse.

Board of Nursing Home Administration – Reappoint Margaret “Peggy” Rogers of McCook for Nonprofit Home Member; reappoint Sharon Colling of Tecumseh for Proprietary Home Member; and Karen Jones of Lincoln for Public Member.

Board of Occupational Therapy Practice – Reappoint R. McLaran Sawyer, PhD of Lincoln for Public Member.

Board of Optometry – Appoint Jeff Pape, OD of Norfolk for Optometrist.

Perfusionist Committee – Appoint Jeanne Schinstock, RN, BS, CCP, LP of Omaha for Perfusionist.

Board of Pharmacy – Appoint Ken Saunders, RP, PharmD of Omaha for Pharmacist.

Board of Physical Therapy – Appoint Scott Edwards, PT, OCS of Scottsbluff for Physical Therapist.

Board of Podiatry – Appoint Torrey Rassfeld, DPM, C.Ped, FACFAOM of Lincoln for Podiatrist.

Board of Psychology – Reappoint John Curran, PhD of Norfolk for Psychologist.

Board of Respiratory Care – Reappoint Frank Freihaut, RRT of Omaha for Respiratory Care Practitioner.

Board of Veterinary Medicine and Surgery – Appoint Micah Kohles, DVM, MPA of Palmyra for Veterinarian.

Other Committee Business: When an incumbent is eligible to seek reappointment, they are given an earlier due date than new applicants are given. The reason is to allow staff time to do additional recruiting, and to allow time for peer and staff review evaluations. In the future, incumbents who do not submit their applications on time will be treated as a new applicant. Staff will no longer be allowed to accept late applications without Board of Health Professional Boards Committee Chair approval.

Goals for 2011:

In November 2010, current Committee Chair Dr. Wills and members established the following goals for this committee in 2011:

1. Formalize and 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 and clarify BOH members function at professional board meetings. Discuss possibilities for consolidation or mergers of boards.
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 2011 outside of Lincoln, interviews may also be offered at this location on the previous day for the convenience of applicants. The prescreening process will be continue to be evaluated and revised as necessary. There are 35 scheduled professional board vacancies in 2011.
3. Continue to work with professional organizations to increase the pool of qualified applicants for positions.
4. Utilize the peer evaluation process for incumbents for the 2011 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. Continue to develop and use protocol for notification, content of the letter or to be handled on an individual basis based upon the Professional Board recommendations. These applicants should receive consideration for the Credentialing Review Pool or PREP.
6. Further define the role of the committee in mediating issues with professional board members.
7. Develop guidelines for the appointment of individuals with previous board service. The Professional Boards Committee will interview the top 2-3 applicants for a position. Formalize the policy if an incumbent doesn't apply seeking reappointment by the stated deadline.

8. Clarify BOH position on individuals considered for appointment that currently hold an association office or will hold an office while serving an appointed board position

9. Discuss and clarify committee consensus for applicant interviews including date, time and place.

Public Health, Education and Legislation Committee

To: Members of the Nebraska State Board of Health
From: Russell Hopp, DO, Committee Chair
Subject: 2010 Report of the Public Health, Education and Legislation Committee of the
Nebraska State Board of Health
Date: November 15, 2010

Committee Members:

Russell Hopp, DO (Chair); Dale Michels, MD (Vice Chair); Daniel Bizzell, EdD; Ted Evans, DVM; Ken Kester, PharmD, JD; Roger Reamer, MBA, Hospital Administrator; Luisa Rounds, RN.

OFFICERS: Ed Discoe, MD (Chair); Gary Westerman, DDS (Vice Chair); and Paul Salansky, OD (Secretary).

STAFF: Monica Gissler (Jeff Soukup was staff through April 2010)

Committee Duties and Responsibilities:

The Public Health, Education, and Legislation (PHEL) Committee met in person five times and via conference call once during 2010 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 2010:

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 2010:

January:

Category 1 bills of interest to the Board of Health:

LB72 Cornett, Dubas. Provide for management of students' and children's life-threatening allergies.

LB200 Janssen, Nantkes, Rogert, Giese. Change motorcycle and moped helmet requirements.

LB255 Harms Require lap-shoulder belts in school buses

LB542 Campbell Provide for rules & regs for dental assistants

LB572 Heidemann Change Nebraska Tobacco Settlement Trust Fund provisions

LB621 Wightman Provide an exemption from licensure as a massage therapist

LB733 Gay Provide a sales tax exemption for local public health departments and provide for applicability of the Political Subdivisions Tort Claims Act to such departments.

LB855 Fischer Adopt the Remote Pharmacy Act.

Board of Health members hosted HHS senators at a luncheon earlier today.

The Committee agreed that they want to pay more attention to the Public Health Recognition program. Every meeting, there will be a list of proposed recipients for consideration.

March:

Dr. Discoe, filling in for Dr. Hopp, discussed legislative bills that the Board has identified interest in.

Dr. Salansky reported that for LB 941, three boards got together and worked out a common language/verbiage for the bill, and the process worked well.

Dr. Discoe discussed their recap of the legislative luncheon, and asked Dr. Schaefer and Dr. Acierno if they wanted to add anything. We really appreciate their attendance at these luncheons. Dr. Acierno said it was well-run and those who came were very engaged.

Public Health Week – Gov Heineman declared April as Public Health and Behavioral Health month.

Public Health Recognition program. Dr. Discoe made a motion to present a recognition certificate to the Nebraska Tobacco Prevention Coalitions in Buffalo, Cass, Colfax, Douglas, Hall, Lancaster, Lincoln, Platte, Sarpy, Scotts Bluff Counties and Native American Tribes. The coalitions address the human and financial burden of tobacco use. Community tobacco coalitions bring together different segments of the community to plan and implement effective tobacco prevention and cessation strategies to reduce tobacco use, increase protections from secondhand smoke and reduce tobacco-related health disparities.

All of the local tobacco coalitions were established in 1990s or early 2000s. Since that time, there has been a tremendous amount of progress in reducing the burden of tobacco use in

Nebraska. Some indicators of that progress include:

Since 1997, the Nebraska youth smoking rate has declined from 39.2% to 18.4%.

Since 2000, the Nebraska adult smoking rate has declined from 21.2% to 18.4%.

Since 2000, the percentage of Nebraskans who do not allow smoking in their homes increased from 71.1% to 85%.

Since 2004, the percentage of the Nebraska communities protected by a comprehensive smoke-free workplace law increased from 0% to 100%.

Since 1996, the rate of illegal tobacco sales to minors has declined from 32.2% to 13.6%

June:

1. Legislation 2010 Recap.
2. Debriefed from the 407 Retreat held the previous day, and strategied on how to be of help to Senator Campbell for LR 517, the interim study she introduced on the credentialing review progra.

Dr. Discoe reminded members to bring ideas to the Board of Health about people/organizations that should be recognized. The PHEL Committee would like to recognize one entity at each meeting, as there are a lot of groups doing great work around the state.

September:

- Discussed the follow up from the July 14th LR517 meeting with Senator Campbell.
- Discussed how to help the senators understand the impact of introduced legislation for professions which have gone through the 407 Credentialing Review process.
- Public Health Recognition for Skin Cancer Screenings by Nebraska Nurse Practitioners at Husker Harvest Days in Grand Island.

November:

- Legislative Luncheon January 24, 2011 – 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 21st to review the priority legislative bills, starting at noon on that Friday.
- Luisa Rounds, RN gave a recap of a NALBOH presentation on other similar boards of health in the nation, and discussed benchmarks that the Board of Health can use to measure their public health impact.

Committee Objectives for 2011:

Continue the work from 2010, and further define at the January PHEL Committee meeting.

There are many deserving public health programs taking place across the state. We would like to recognize more of these programs and share the news of their good work.

November 15, 2010

*RULES AND REGULATIONS COMMITTEE
OF THE STATE BOARD OF HEALTH
ANNUAL REPORT FOR 2010*

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: Ken Kester, Pharm D, JD (Chair); Roger Reamer, MBA (Vice Chair); Linda Heiden; Russell Hopp, DO; Dale Michels, MD; Rich Robinson, PE; and Bob Sandstrom, PhD, PT. As of the September 27, 2010 Committee Meeting, Linda Heiden and Bob Sandstrom were no longer members. Wayne Stuberger, PhD, PT took the place of Bob Sandstrom. Debra Parsow took the place of Linda Heiden.

Staff: Joyce Davidson

Activities for 2010

January 25

Approved the following regulations:

- Title 172, Chapter 81, Licensure of Massage Therapists
- Title 172, Chapter 82, Licensure of Massage Therapy Establishments
- Title 172, Chapter 83, Licensure of Massage Therapy Schools

Reviewed the following regulations:

- Title 173, Chapter 1, Reporting and Control of Communicable Diseases and Poisonings
- Title 181, Chapter 2, Infant Screening for Metabolic Diseases
- Title 181, Chapter 5, Informed Consent for Predictive Genetic Testing

March 15

Reviewed the following regulations:

- Title 175, Chapter 16, Hospice
- Title 173, Chapter 3, School Health, Communicable Disease Control, Physical Examination, Visual Evaluation, and Immunization Standards

June 21

Update on the following regulations:

- Title 173, Chapter 3, School Health, Communicable Disease Control, Physical Examination, Visual Evaluation, and Immunization Standards

Reviewed the following regulations:

- Title 178 NAC 2, Operation and Management of Swimming Pools Title 178 NAC 4, Public Swimming Pool Design and Construction Standards

Approved the following regulations:

- Title 172, Chapter 106, Nursing Home Administrators
- Title 172, Chapter 94, Licensure of Independent Mental Health Practitioners, and Mental Health Practitioners and Certification of Marriage and Family Therapists, Professional Counselors, and Social Workers
- Title 172, Chapter 155, Licensure of Psychology

The following chapters are being repealed from Title 172:

- Chapter 156, Unprofessional Conduct by a Psychologist;
- Chapter 157, Code of Professional Conduct for the Practice of Psychology;
- Chapter 158, Fees for Psychology Licenses and Certifications.

September 27

Approved the following regulations:

- 172 NAC 23, Practice of Audiology & Speech Language Pathology
- 172 NAC 24, Practice of Audiology & Speech Language Pathology Assistants
- 172 NAC 29, Practice of Chiropractic
- 178 NAC 10, Licensure Under the Water Well Standards and Contractors' Practice Act
- 178 NAC 11, Fees Under the Water Well Standards and Contractors' Practice Act
- 178 NAC 13, Water Well Standards and Contractors' Licensing Board

Reviewed the following regulations:

- 174 NAC 1 and 8, Abortion Reporting Under Laws 2010, LB 1103
- 179 NAC 10, Licensure of Water Operators
- 181 NAC 2, Newborn Screening for Metabolic Diseases
- 183 NAC 1 and 4, Rural Health Professional Incentives

November 15

Reviewed the following regulations:

- 175 NAC 6, Licensure of Children's Day Health Services [New Regulations]

GOALS for 2011

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 2011.