

# *Report of the Nebraska State Board of Health For 2011*

***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.

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

## **2011 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. No new members were appointed in 2011, and there were no reappointments.
- All officers were reappointed in November 2011: Chair Gary Westerman, DDS; Vice Chair Daryl Wills, DC; and Secretary Dale Michels, MD.
- Meetings held the third Monday of odd months, except fourth Monday in January.
- September 2011 the Board met in Bellevue as guests of Bellevue Medical Center. As a cost saving measure, the May and July meetings were consolidated into one meeting held in June.
- Meeting dates for 2012: January 23, March 26, June 18, September 17, and November 19.

### **PROFESSIONAL BOARD APPOINTMENTS:**

- In 2011 there were 74 applicants; 58 interviews conducted; and 42 members appointed to 25 different professional boards.

### **RULES AND REGULATIONS:**

- 3 sets were approved (Respiratory Care; Chiropractors; and Physical Therapists); 3 sets were reviewed (Statewide trauma System; Centers for Persons with Developmental Disabilities; and Child Care Licensing) in 2011.

### **CREDENTIALING REVIEWS:**

- Completed the Applied Behavior Analysts Review; conducted the Genetic Counselors Review, and the Director accepted a Letter of Intent for a Credentialing Review to license Music Therapists.

### **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:**

- There is an ad hoc committee to address the potential removal of professional board members for cause, in accordance with 184 NAC Ch. 6. The last member was removed for cause in 2010.

### **CONTACT INFORMATION:**

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*Chair's Report*  
*Nebraska State Board of Health – 2011*  
*Gary Westerman, D.D.S.*

In 2011, 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.
  - 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 two introduced bills, while tracking an additional two introduced bills.
  
- *Professional Boards*
  - The Professional Boards Committee has been working diligently to meet the goals established in January 2011.
  - 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 the Board recognized the Children's Vision and Learning Initiative. Their main purpose is to promote healthy vision in preschool children, and they have been in existence for about 10 years. They organize a multidisciplinary team with

- schools, doctors, etc. that meets annually to make certain that all Nebraska children have had vision examinations prior to beginning kindergarten.
- 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 Reamer) 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”.
    - 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.

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 2012, we are poised to help with any challenges surrounding the changing landscape of national health care reform and the 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. We welcome any suggestions and inquiries from the public that might allow us to serve the state better. I was honored to be re-elected as Chair of the Board of Health for 2012.

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[http://dhhs.ne.gov/Pages/reg\\_bdhealth.aspx](http://dhhs.ne.gov/Pages/reg_bdhealth.aspx)  
Dates indicate expiration of terms  
Updated: 1-3-12

## STATE BOARD OF HEALTH – COMMITTEE ASSIGNMENTS FOR 2012

Professional Boards	PHEL	Rules and Regs	Credentialing Review
John Tenny (Chair)	Russell Hopp (Chair)	Ken Kester (Chair)	Janet Coleman (Chair)
Paul Salansky (Vice Chair)	Roger Reamer (Vice)	Rich Robinson (Vice)	Dan Bizzell (Vice)
Janet Coleman	Dan Bizzell	Russell Hopp	Ed Discoe
Ted Evans	Ed Discoe	Debra Parsow	Debra Parsow
Diane Jackson	Ted Evans	Roger Reamer	Luisa Rounds
Rich Robinson	Diane Jackson	Paul Salansky	Wayne Stuberg
Luisa Rounds	Ken Kester	Wayne Stuberg	John Tenny
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:	Dan Bizzell	Ken Kester	Roger Reamer

### 2012 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.

## **Rules and Regulations Committee of the State Board of Health**

### **Annual Report for 2011**

The State Board of Health is required by law to consider all rules and regulations of the DHHS Division of Public Health. Professional and occupational credentialing regulations are required to be adopted (or “approved”) by the Board. Other regulations of the Division of Public Health are required to be advised upon (or “reviewed”) by the Board.

To enhance discussion and improve efficiency of Board meetings, all Public Health regulations come before the Board’s Rules and Regulations Committee prior to the meeting of the full Board.

In 2011, Rules and Regulations Committee members were:

Ken Kester, PharmD, JD (Chair)  
Rich Robinson, PE (Vice Chair)  
Russell Hopp, DO  
Diane Jackson, APRN  
Roger Reamer, MBA  
Paul Salansky, OD  
Wayne Stuberg, PhD, PT

Staff support for the Rules and Regulations Committee is provided by Kay Pinkley, Regulation Coordinator, and Sarah Sujith, Regulation Review Attorney, both from DHHS Legal Services.

# **Rules and Regulations Committee**

## **Activities in 2011**

### January 24, 2011

Committee members approved 172 NAC 162, Licensure of Respiratory Care.

Committee members reviewed 185 NAC 1-7 and 8-11, Statewide Trauma System, and 175 NAC 3, Licensure of Centers for Persons with Developmental Disabilities.

### March 21, 2011

Committee members received an overview and update on regulations under the Uniform Credentialing Act (UCA). No individual regulations were acted upon.

### June 20, 2011

Committee members were briefed on LB 617 (2011), which sets time limits on the development of regulations that are required by legislation, and requires annual reporting to the Legislature on pending regulations.

Committee members also received an update on regulations under the UCA and discussed upcoming regulations for Board consideration. No individual regulations were acted upon.

### September 19, 2011

Committee members reviewed 391 NAC 1-5, Child Care Licensing regulations.

### November 21, 2011

Committee members approved 172 NAC 29, Licensure of Chiropractors, and 172 NAC 137, Licensure of Physical Therapy.



## **Rules and Regulations Committee**

### **Goals for 2012**

The Rules and Regulations Committee will continue to consider all regulations of the DHHS Division of Public Health prior to their presentation to the Board of Health. This will include consideration for approval of additional professional and occupational credentialing regulations under the Uniform Credentialing Act (UCA). Fourteen sets of UCA regulations are complete, with 44 remaining. Of those 44, 11 have been considered at public hearing or are scheduled for public hearing before the end of 2011.

The Committee will also continue to review all other regulations of the Division of Public Health. This will include regulations of the Environmental Health Unit, the Lifespan Health Services Unit, and the Public Health Support Unit.

The Committee will consider possible improvements to its process for considering Division of Public Health rules and regulations.

To: Members of the Nebraska State Board of Health  
From: Janet Coleman, Chairperson of the Credentialing Review Committee  
Subject: 2011 Annual Report of the Credentialing Review Committee of the Nebraska State Board of Health  
Date: November 21, 2011

***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.

***Current Committee Members:***

Janet Coleman, (Chair); Dan Bizzell, Ed.D., (Vice Chair); Wayne Stuberg, Ph.D., P.T.; John Tennity, D.P.M.; Deb Parsow; Ed Discoe, M.D.; and Luisa Rounds, R.N., B.S.N.

***Former Committee Members:***

Theodore Evans, D.V.M.; Diane Jackson, A.P.R.N.; and Daryl Wills, D.C.

***Staff:*** Ron Briel

***Goals for 2011 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 2011 were as follows:***

During their January 24, 2011 meeting, the Board members approved their report of recommendations on the Genetic Counselors' proposal for licensure. The Board members recommended approval of this proposal during their November 2010 meeting.

Also during the January 24, 2011 meeting, the Board members approved the addition of one new member to the Credentialing Review Public Member Pool. This was Mr. Bill Snyder from Scottsbluff, Nebraska. Mr. Snyder previously served as a member of the Rural Health Advisory Commission.

During the November 21, 2011 meeting, the members of the Board's Credentialing Review Committee approved the idea of creating a pool of health care professionals for the purpose of providing a source of professional expertise on future technical review committees of the Credentialing Review Program.

***Goals for 2012 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 2012 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 10/13/2011

To: Members of the Nebraska State Board of Health  
From: John Tenny, DPM, Chair, Professional Boards Committee  
Subject: 2011 Annual Report of the Professional Boards Committee of the  
Nebraska State Board of Health  
Date: December 2, 2011

**Committee Members:**

Daryl Wills, DC (Chair); John Tenny, DPM (Vice Chair); Janet Coleman, Public Member; Diane Jackson, APRN; Debra Parsow, Public Member; Rich Robinson, PE; Luisa Rounds, RN; and Wayne Stuberg, PhD, PT.

*Officers Ex-Officio Members:* Chair Gary Westerman, DDS; Vice Chair Daryl Wills, DC; and Secretary Dale Michels, MD.

*Staff:* Monica Gissler

**Committee Duties and Responsibilities:**

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

- ✓ 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.

**Activities for 2011:**

*January:*

1. Reviewed 2011 appointment schedule, and scheduled 2011 professional board interview dates. There are approximately 50 scheduled vacancies for the fall of 2011. October 16 was selected as a Sunday to conduct interviews in Lincoln. The Board of Health has tentatively been invited to meet in Omaha on September 19<sup>th</sup>, and if approved, professional board interviews will be held there on September 18<sup>th</sup>.

2. Potential changes to application process or interview procedure. There were no proposed changes to the current application forms. It was proposed that incumbents be required to submit their application for reappointment or their statement of intent to seek reappointment by June 1<sup>st</sup>. All incumbent applications and supporting documents will be due by July 1<sup>st</sup> in order to allow sufficient time to receive Section Administrator and peer review evaluations. If an incumbent does not submit their application for reappointment by July 1<sup>st</sup>, they will not receive any preferential treatment for reappointment. Professional association nominees are due by July 1<sup>st</sup> as well. New applications are due by August 1<sup>st</sup>, and staff will not be allowed to accept late documents without approval of the Board of Health or Professional Boards Committee chair.
3. Meetings with Professional Board Chairs: For June, we will invite the chair of the following boards: Medicine and Surgery; Mental Health Practice; and Nursing.

*March:*

1. Committee members reviewed the screening tool for public and professional members. All agreed the criteria were still appropriate. Then the interview questions were discussed. Members will review these further, and email suggested changes to the Committee.
2. In follow up to the January 24<sup>th</sup> discussion, the timeline for application submission was discussed. By June 1<sup>st</sup> incumbents should submit their statement of intent to seek reappointment; by July 1<sup>st</sup> their application must be received. Without this lead time, there is not adequate time to secure staff and peer evaluations, or recruit further.
3. Professional Board interviews were conducted that morning. The following professional board appointments were made:

John Davies, PA-C, of Pilger, for reappointment to the Physician Assistant Committee, for the term of April 16, 2011 – November 30, 2016.

Richard Bischoff, PhD, of Lincoln, for the Certified Marriage and Family Therapist member position on the Board of Mental Health Practice, for the partial term of March 21, 2011 through November 30, 2013.

Jeff Howorth, of Omaha, for the Public Member position on the Board of Medicine and Surgery for the partial term of March 21, 2011 through November 30, 2014.

Marilyn Lowe, CNM, of Omaha, for the Certified Nurse Midwife member position on the Board of Advanced Practice Registered Nurse, for the partial term of March 21, 2011 through November 30, 2012.

2. Meetings with Professional Board Chairs: For June, we will invite the chairs of the following boards: Medicine and Surgery; Mental Health Practice; and Nursing.

*June:*

1. Interviews were conducted that morning. The following professional board appointments were made:  
Amy Fish, of Lincoln, for appointment to the Proprietary Home Member of the Board of Nursing Home Administration, for the partial term of June 20, 2011 through November 30, 2015.

Wendy McCarty, EdD of Grand Island, for the Public Member position on the Board of Nursing, for the partial term of June 20, 2011 through November 30, 2011.

2. Meetings were held this morning with three Professional Board Chairs: Medicine and Surgery; Mental Health Practice; and Nursing. Mentoring within the board members (new members being mentored by older ones) is being done within the boards. The Committee appreciates Mr. Henkenius, Mr. Danforth, and Ms. Higgins taking the time to come meet with them.
3. Applications and all associated documents for incumbents seeking reappointment are due by July 1<sup>st</sup>, and are due by August 1<sup>st</sup> for new applicants. The Committee wants to decrease the amount of documents that trickle in past the due date. Dr. Tennity said there are lots of interviews to be conducted on September 18 in Bellevue and on October 16 in Lincoln.

*August:*

Committee members prescreened applicants. A total of 51 individuals applied and 48 were scheduled for interviews to fill 36 vacancies. In an effort to save printing and postage costs, applications were scanned into PDF files and sent electronically to committee members. There are also two vacancies for which there were no applicants: the Board of Environmental Health Specialists and the Board of Funeral Directing and Embalming. This year had the lowest amount of applicants per position in at least 15 years.

*September:*

1. Eight interviews were conducted on the day prior to the regular Board of Health meeting held in Bellevue. Several committee members used personal laptop computers to view the applications which were available on CDs.
2. On the public meeting day, the following appointments were made:
  - Board of Advanced Practice Registered Nurses:
    - Certified Registered Nurse Anesthetist and Physician - Reappoint Steve Wooden, DNP, CRNA from Albion to the term December 2, 2011 to November 30, 2016.
    - Physician member with Nurse Practitioner relationship – Reappoint Michelle Knolla, MD from Omaha to the term December 2, 2011 to November 30, 2016.
  - Board of Alcohol and Drug Counseling:
    - Alcohol and Drug Counselor - Reappoint Frank Bailey, III, from Omaha to the term December 1, 2011 to November 30, 2016.
  - Board of Athletic Training:
    - Athletic Trainer - Reappoint Kurt Behrhorst, ATC from Lincoln to the term December 1, 2011 to November 30, 2016.
  - Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art:
    - School Owner - Reappoint Ruth Lucas from McCook to the term December 1, 2011 to November 30, 2016.
  - Board of Dentistry:
    - Dental School Faculty - Reappoint Terrence Wilwerding, DDS from Omaha to the term December 1, 2011 to November 30, 2016.
    - Dentist - Appoint Dennis Anderson, DDS, MS from to the term December 1, 2011 to November 30, 2016.
  - Board of Hearing Instrument Specialists:
    - Otolaryngologist - Appoint Brett Thedinger, MD from Omaha to the term December 26, 2011 to November 30, 2016.

Board of Medical Radiography:

Medical Radiography- Reappoint Michael McFeely, RT from Scottsbluff to the term December 1, 2011 to November 30, 2016.

Board of Mental Health Practice:

Certified Master Social Worker - Reappoint Susan Feyen, LICSW from Omaha to the term December 1, 2011 to November 30, 2016.

Certified Professional Counselor - Reappoint Sarita "Sarah" Ruma, LIMHP, CPC from Omaha to the term December 1, 2011 to November 30, 2016.

Board of Nursing:

Nursing Service Administration - Appoint Jane Carmody, DNP, MBA, BSW, RN from Omaha to the term December 1, 2011 to November 30, 2016.

Practical Nurse Member – Appoint Maxine Guy, LPN from Omaha to the partial term September 19, 2011 to November 30, 2013.

Public member - Reappoint Wendy McCarty, EdD from Grand Island to the term December 1, 2011 to November 30, 2016.

Board of Optometry:

Optometrist - Reappoint Kim Baxter, OD from North Platte to the term December 1, 2011 to November 30, 2016.

Perfusionist Committee:

Physician – Reappoint John Batter, MD from Omaha to the term December 1, 2011 to November 30, 2016.

Board of Pharmacy:

Pharmacist - Reappoint Robert Marshall, RP, BS, PharmD from Norfolk to the term December 1, 2011 to November 30, 2016.

Board of Physical Therapy:

Physical Therapist - Reappoint Natalie Harms, PT, GCS from Omaha to the term December 1, 2011 to November 30, 2016.

Physician Assistant Committee:

Medical Board Member: Appoint Michael Bittles, MD from West Point to the term of December 1, 2011 to November 20, 2016.

Board of Podiatry:

Podiatrist Member: Reappoint Scott Nelson, DPM, FACFAS from Omaha to the term December 1, 2011 to November 30, 2016.

Board of Psychology:

Psychologist Member: Reappoint David Carver, PhD from Omaha to the term December 1, 2011 to November 30, 2016.

Board of Respiratory Care Practice:

Respiratory Care Practitioner Member: Reappoint John Jarosz, MS, RRT from Omaha to the term December 1, 2011 to November 30, 2016.

Board of Veterinary Medicine and Surgery:

Veterinarian Member: Reappoint Paul Foy, DVM from Ogallala to the term December 1, 2011 to November 30, 2016.

Veterinary Technician Member: Reappoint Natalie Kyhn, LVT from Lincoln to the term December 1, 2011 to November 30, 2016.

*October:*

1. Eleven interviews were conducted in Lincoln on Sunday, October 16<sup>th</sup>. Six Board of Health members participated in conducting interviews.

2. A press release went out regarding the vacancies for which there were no applicants, plus one created by a resignation.

*November:*

1. The following individuals were appointed, most with terms through November 30, 2016, unless indicated otherwise:

Board of Advanced Practice Registered Nurses: For the Physician with a relationship with a nurse anesthetist, appoint Christopher Price, MD of Norfolk for the partial term of November 21, 2011 through November 30, 2012; for public member, appoint Diane Hansmeyer of Hallam for the term of December 2, 2011 through November 30, 2016.

Board of Athletic Training: For the public member, appoint Timothy Wacker of Lincoln for the term of December 1, 2011 through November 30, 2016.

Board of Chiropractic: For the chiropractor position, appoint David Lauer, DC of Lincoln for the term of December 1, 2011 through November 30, 2016.

Board of Hearing Instrument Specialists: For the Hearing Instrument Specialist member, appoint Sandra Wills, AuD of Lincoln for the term of December 26, 2011 through November 30, 2016; and appoint Britt Thedinger, MD of Omaha for the term of December 26, 2011 through November 30, 2016.

Board of Massage Therapy: For the position of Massage Therapist, reappoint Keli Hupka, LMT of Lincoln for the term of December 1, 2011 through November 30, 2016.

Board of Medicine and Surgery: For the position of Medical School Faculty Member, appoint Roger Brumback, MD of Omaha for the term of December 1, 2011 through November 30, 2016.

Board of Nursing: For the position of APRN, appoint Kelley Hasenauer, APRN-NP of Lincoln for the term of December 2, 2011 through November 30, 2016.

Board of Occupational Therapy Practice: For the position of Occupational Therapist, reappoint Mary Walsh-Sterup, OTR/L, CHT of Grand Island for the term of December 1, 2011 through November 30, 2016.

Board of Pharmacy: For the position of public member, appoint Michael Losee, M.A., of Lincoln for the term of December 1, 2011 through November 30, 2016.

Board of Respiratory Care Practice: For the position of public member, appoint Teresa Hawk, M.A. of Chadron to the term of December 1, 2011 through November 30, 2016.

2. Members reviewed the appointment schedule for 2012, and discussed which professional board chairs to invite to meet with them.

**Goals for 2012:**

In November 2011, current Committee Chair Dr. Tennity and members established the following goals for this committee in 2012:

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 2012 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 12 scheduled professional board vacancies in 2012, and three vacancies on the Nebraska Center for Nursing for which terms are recommended to the Governor by the Board of Health.
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 2012 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 who wish to serve concurrently on more than one Professional Board.

## Public Health, Education and Legislation Committee

To: Members of the Nebraska State Board of Health  
From: Russell Hopp, DO, Committee Chair  
Subject: 2011 Report of the Public Health, Education and Legislation Committee of the Nebraska State Board of Health  
Date: November 23, 2011

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

Russell Hopp, DO (Chair); Roger Reamer (Vice Chair); Daniel Bizzell, EdD; Ed Discoe, MD; Ted Evans, DVM; Ken Kester, PharmD, JD; and Debra Parsow.

*OFFICERS:* Gary Westerman, DDS (Chair); Daryl Wills, DC (Vice Chair); and Dale Michels, MD (Secretary).

*STAFF:* Monica Gissler

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

The Public Health, Education, and Legislation (PHEL) Committee met in person five times and via conference call once during 2011 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 2011:***

- ✓ 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

### ***Activities in 2011:***

#### **January:**

Board of Health members hosted senators and key legislative staff. A presentation was made on the Credential Review program. We appreciate the attendance by the senators and their representatives at our legislative luncheon today, and the DHHS administrators.

Members of the PHEL Committee had a conference call the day after bill introduction ended. Bills were prioritized, and at the public meeting they were presented to the full board for consideration. The Board voted to take an active position on the following bills:

### Category 1 Bills

52	Krist	Change motorcycle helmet provisions and require eye protection
67	Fischer	Clarify required use and enforcement provisions re seat belts and other occupant protection systems.
68	Fulton	Permit certified nurse midwives to have clinical privileges.
222	Gloor	Change scope of practice considerations under the Nebraska Regulation of Health Professions Act
581	Haar	Change provisions regarding certified nurse midwives.
630	McGill	Adopt the Applied Behavior Analysis Practice Act

#### **March:**

Dr. Discoe, Committee Member, reviewed legislative bills discussed earlier in the day. There was also a handout prepared by Ron Briel identifying bills with any potential 407 impact.

Public Health Recognition: The Committee proposed that there be a mechanism to recognize an individual member of a board, someone who has gone above and beyond normal service, as explained earlier by Ms. Parsow. The Professional Boards Committee will discuss this further.

Dr. Bizzell and Ms. Jackson attended the APRN conference in Kearney, and presented a Public Health recognition award.

#### **June:**

Dr. Hopp, Committee Chair, reviewed legislative bills and interim studies.

##### 1. Legislation 2011

- a. Session summary - Passed – LB 67 (BOH sent letter); LB 68
- b. Interim Studies
  - LR 208 - Interim study to determine the best manner in which to license certified applied behavioral analysts, by McGill
  - LR 212 - Interim study to review the operations and usefulness of the Nebraska Regulation of Health Professions Act, by Gloor
  - LR 258 - Interim study to examine the availability of technology to provide the electronic request and approval of prior authorization requests for medical and pharmacy interventions, by Price
  - LR285 – Interim study to review the shortage of nurses.
  - LR 293 - Interim study to continue the work of the select committee appointed pursuant to LR467, 2010, to conduct research regarding the federal Patient Protection and Affordable Care Act, by Campbell
  - LR 317 - Interim study to examine the funding formulas for the federally qualified health centers (FQHCs), by Heidemann

2. Impact of LB 617 – timeline for processing of regulations. This was addressed by DHHS attorney Sarah Sujith during the Rules and Regulations Committee report.

3. **Public Health Recognition: Children's Vision and Learning Initiative**, submitted by Dr. Salansky. The PHEL Committee recognized the value of Dr. Salansky's input on this, and invited him to speak about it. Dr. Salansky said their main purpose is to promote healthy vision in preschool children. They have been in existence for about 10 years. They organize a multidisciplinary team with schools, doctors, etc. that meets annually to make certain that all Nebraska children have had vision examinations prior to beginning kindergarten. They also make certain that any child moving into Nebraska from another state has had a vision examination prior to entry into the school system. The Board of Health members agreed this is a program worthy of recognition. Dr. Salansky agreed to present the award in September.

### **September:**

The Board of Health meeting this month was held at Bellevue Medical Center. We asked the local health department, Sarpy/Cass Department of Health and Wellness, to provide us with a presentation on a program that is significant to their operations. Due to the extreme flooding in Sarpy County this year, they presented on their emergency preparedness efforts for flooding. Nancy Braswell, the Public Health Emergency Response Coordinator for SCDHW, distributed a packet she had prepared for the public in response to flooding. They dealt with flooding, health precautions, disease prevention, vaccination recommendations, and preparing for evacuation, but their biggest priority was public information. To accomplish that, they prepared packets, made pocket guides for emergency preparedness and flooding, issued several press releases, and made sure their website was continually current and contained several helpful links. Vicki Roberts, a SCDHW board member, also attended the meeting.

The Public Health Recognition program is an ongoing effort. Later this week Dr. Salansky will present the certificate to the Nebraska Foundation for Children's Vision.

The agenda for the January legislative luncheon will be discussed at the November 21<sup>st</sup> PHEL Committee meeting.

LR212 Update, as discussed under Credentialing Review. This has been ongoing since June 2010. Following the summer meeting, Dave Buntain is drafting legislative language, and the committee will provide "real world" criteria. Dr. Hopp drafted some proposed criteria, which is circulating electronically.

### **November:**

Members reviewed the special legislative session in progress. There will be a PHEL conference call on January 20, 2012 to discuss introduced bills. The legislative luncheon for January 23<sup>rd</sup> was also discussed.

### ***Committee Objectives for 2012:***

Continue the work from 2011. 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.

December 20, 2011