

NEBRASKA STATE BOARD OF HEALTH MEETING
MINUTES – January 28, 2019

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Travis Teetor, MD, at 11:00 AM on January 28, 2019 in Conference Room 4D of the 1526 K Street Building in Lincoln. Copies of the agenda were mailed to board members, news media, and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Joel Bessmer, MD; Kevin Borchert, PharmD, RP; Shane Fleming, MSN, RN; Michael Hansen, FACHE; Russell Hopp, DO; Diane Jackson, APRN; Kevin Low, DDS; Debra Parsow; Travis Teetor, MD; Doug Vander Broek, DC; and Jeromy Warner, PsyD, LP. Quorum met. Members not in attendance: Brian Brightman, OD; Teresa Konda, PE; Tony Moravec, DVM; Wayne Stuber, PhD, PT; and Joshua Vest, DPM. Staff attending: Ron Briel, Matt Gelvin, Monica Gissler, Marla Scheer.

APPROVAL OF AGENDA. Dr. Teetor asked if there were any changes to the agenda for the meeting today. Ms. Parsow made a motion to approve the revised agenda, seconded by Dr. Hopp; voting yes: 11 (Bessmer, Borchert, Fleming, Hansen, Hopp, Jackson, Low, Parsow, Teetor, Vander Broek, Warner); voting no: 0; not voting: 0. Motion carried.

APPROVAL OF ANNUAL REPORT. The Board of Health annual report for 2016 was discussed. Copies will be sent to Governor Ricketts, Lt. Governor Foley, members of the HHS Legislative Committee, professional board chairs, local health directors, health care professional associations, key HHS staff, and other interested parties. Mr. Hansen made a motion to approve the annual report; Ms. Parsow seconded. Call for vote on motion - voting yes: 11 (Bessmer, Borchert, Fleming, Hansen, Hopp, Jackson, Low, Parsow, Teetor, Vander Broek, Warner); voting no: 0; not voting: 0. Motion carried, and report approved.

LEGISLATIVE DISCUSSION. Mr. Fleming, 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 24, 2019, and committee discussion held the morning of January 28th. Conference call participants included Dr. Bessmer, Dr. Borchert, Mr. Fleming, Mr. Hansen, Ms. Konda, Dr. Michels, Dr. Teetor, Dr. Vander Broek, and staff Monica Gissler.

Mr. Fleming explained the three categories that the Board of Health places legislative bill in: Category 1: Take action on; 2: Monitor and take possible action on, and 3: monitor.

24	Kolterman	APP	Borchert	Appropriate funds to the Department of Health and Human Services.
37	Hilkemann	HHS 1/30/19	Vest	Change the Podiatry Practice Act to authorize a physician assistant to assist a podiatrist.
39	Hilkemann McDonnell	Transp/ Tele	Fleming	Change provisions relating to occupant protection system enforcement and change certain violations from secondary to primary enforcement.

40	Hilkemann McDonnell	Transp/ Tele	Fleming	Change provisions related to provisional operator's permits, LPD and LPE learner's permits, and interactive wireless communication devices.
118	Arch	GOV 2/8/19	Bessmer	Provide a procedure to withhold residential addresses of physicians in county records.
205	Kolterman Wishart Hunt+	HHS 1/23/19	VanderBroek	Adopt the Surgical Technologist Registration Act.
312	B Hansen	HHS	Low Stuberg	Change and eliminate provisions relating to dental hygienists.
347	Murman	HHS	VanderBroek Jackson	Exempt reflexology from licensure under the Massage Therapy Practice Act.
378	B Hansen Linehan	Transp	Hansen	Change helmet provisions for autocycles, motorcycles, and mopeds.
422	Howard	HHS	Low	Adopt the Art Therapy Practice Act.
528	Hilkemann	HHS	Bessmer	Change provisions relating to use of pharmaceutical agents and use of certain treatments and procedures by optometrists.
556	Howard	HHS	Borcher Hansen	Change provisions relating to the prescription drug monitoring program.
607	Kolterman	HHS	Bessmer	Change provisions relating to nail technology and body art.
620	Kolowski	Transp	Fleming	Provide for enforcement of violations relating to use of handheld wireless communication devices as a primary action.
634	Hilkemann McDonnell	Transp	Stuberg	Require three-point safety belt systems for school vehicles as prescribed.

Board of Health action means providing testimony or sending a letter either lending support or stating concerns regarding a bill. For each of the support and opposition bills listed above, the Board will send a letter and/or testify.

Dr. Teetor asked if anyone wanted to separate out any bill for individual consideration. Mr. Fleming made a motion to approve these legislative bills as the official Board of Health bills of interest for 2019. Call for vote on motion - voting yes: 12 (Bessmer, Borcher, Fleming, Hansen, Hopp, Jackson, Low, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried. Whenever the Board of Health takes a position on a piece of legislation, a supermajority vote of 12 is required.

RECESS. The Board of Health recessed at 11:45 AM for lunch. Motion made by Mr. Dr. Hopp; seconded by Ms. Parsow. All in favor by voice vote.

RECONVENE. Dr. Teetor called the meeting back to order at 1:00 PM in Room 4D of the 1526 K Street Building. The following members were in attendance: Joel Bessmer, MD; Kevin Borcher, PharmD, RP; Shane Fleming, MSN, RN; Michael Hansen, FACHE; Russell Hopp, DO; Diane Jackson, APRN; Kevin Low, DDS; Debra Parsow;; Travis Teetor, MD; Doug Vander Broek, DC; Joshua Vest, DPM; and Jeromy Warner, PsyD, LP. Quorum met.

APPROVAL OF MINUTES. Dr. Teetor asked if there were any changes to the minutes from the November 19, 2018 meeting. Ms. Jackson made a motion to approve the minutes, seconded by Dr. Hopp, voting yes: 12 (Bessmer, Borchert, Fleming, Hansen, Hopp, Jackson, Low, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

PUBLIC HEALTH UPDATE – DARRELL KLEIN, JD, DEPUTY DIRECTOR. Judy Martin has retired, and Susan Strohn has returned to her former position with the Hearing Office. Darrell Klein has been appointed to fill Susan's position. Ashley Newmyer has been hired to fill the other Deputy Director position, which includes Vital Statistics, Epidemiology, and Informatics. There may be a third deputy director appointed. The Governor has appointed Danette Smith from Virginia as the new CEO, and she will begin on February 25th. Darrell Klein started as a staff attorney with the Department of Health in 1989, and has worked extensively with the professional boards and regulations, so he is very familiar with the work of the Licensure Unit. His goal is to let the staff do their work and help where needed.

LICENSURE UNIT UPDATE – BECKY WISELL, ADMINISTRATOR. Licensure Unit staff have been busy with the Legislative session in full swing. They have reviewed 52 bills for potential impact on the Unit. Rules and Regulations activities will be increasing soon. In 2017 they reviewed 113 chapters per the Governor's instructions. The guidance was to remove any duplicative statutory language, and use the least restrictive methods of regulation. The goal is to have as many regulations back on track by the end of summer.

LEGISLATIVE UPDATE. Bryson Bartels presented on the DHHS legislative priorities and bills they are tracking. The Department has 6 bills this year. There were 739 total bills and 7 constitutional amendments introduced, not counting resolutions. There are 198 bills that could impact DHHS in some way.

CHAIRPERSON'S REPORT. Dr. Teetor, Chair, reported the following:

1. Has anyone attended any professional board meetings that they would like to report on?

Dr. Low attended the December 3rd APRN Board meeting and the January 11th Dentistry meeting. Dr. Low has concerns about professional board members recusing themselves due to potential conflicts.

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working lunch, a lunch will not be ordered for you, unless specific arrangements are made. When you arrive at the meeting, please make a point of introducing yourself to the Board staff.

2. Staff changes at the Division of Public Health continue. Susan Strohn returned to her former position as Hearing Officer. Darrell Klein, longtime DHHS staff attorney, assumed the position of Deputy Director for Public Health. Judy Martin, Deputy Director of Public Health, recently retired. Ashley Newmyer will take over this other Deputy position.

3. Gov. Ricketts will appoint Danette Smith as the CEO. She comes to us from the Virginia Beach Department of Human Services, where she has served as the director since 2013. Previously, she served as the director of the Seattle Department of Human Services and other human service agencies around the country. Her start date is February 25.
4. The federal reimbursement rate for vehicle mileage went up to 58 cents.
5. Statements of Financial Interest are due by March 1, 2019. Monica handed out directions for you to complete the forms. She does not collect copies, but please let her know when you have submitted your statements.
6. Today we hosted the senators who serve on the HHS Legislative Committee, and those newly elected to the Legislature, for a luncheon.
7. Are there any suggestions for where we might hold our September 16th Board of Health meeting? Mr. Hansen offered to host the Board in Columbus.

COMMITTEE REPORTS.

Credentialing Review (407) Committee – Ms. Parsow, Committee Chair, presented.

1. There is an upcoming review on Physician Assistants. Regarding the Composition of the PA Technical Review Committee (TRC), the following pool members are recommended:

Health Professionals

Jeff Baldwin, PharmD, RP, from Omaha
Christine Chasek, LIMHP, LADC, from Hildreth
Brandon Holt, B.S.R.T. (ARRT), from Kearney
James Temme, R.T., from Omaha
Allison Dering-Anderson, PharmD, R.P. – Alternate from Omaha

Public Members

Jeffrey L. Howorth, from Omaha
Janet Rochford, from Kearney

Dr. Stuberger was suggested as a potential Chair of the Technical Review Committee. Ms. Parsow made a Committee motion to forward the recommendations for membership to the Interim Director. Call for vote on motion to approve - voting yes: 12 (Bessmer, Borchert, Fleming, Hansen, Hopp, Low, Jackson, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

2. Credentialing Review website: <http://dhhs.ne.gov/licensure/Pages/credentialing-review.aspx>.

Rules and Regulations Committee – Mr. Hansen, Committee Chair, reported that this committee did not meet today. They anticipate having several sets of regulations to review at the next few Board of Health meetings.

Professional Boards Committee. Dr. Warner, Committee Chair, reported.

- Board of Health Member Role with Professional Boards: Introduce yourself to staff before the meeting, to board members during the meeting, explain why you're there.
- Review Board of Health Policy on Guideline for Board of Health Member Attendance at Professional Board Meetings. Send any comments to Monica by March 1st. The updated policy will be on the agenda for approval on March 18th.

The 2019 Vacancy List was reviewed. There are 54 planned professional board appointments to be made in 2019.

More information is available on the Vacancy website, for current and upcoming vacancies: <http://dhhs.ne.gov/licensure/pages/Board-Requirements-and-Vacancies.aspx>

Public Health, Education and Legislation Committee: Mr. Fleming, Committee Chair, reported. They discussed the status of legislative bills.

The Legislative Luncheon was held today. Board members shared their observations regarding the pros and cons of the Legislative luncheon. Thanks to Marla Scheer for coordinating with the caterer.

PHL Conference Call was held January 24, 2019 from 1:00-2:30 PM, with the following attendees: Bessmer, Borchert, Fleming, Hansen, VanderBroek, Stuber, and Gissler.

Approval of Committee Reports. Dr. Hopp made a motion to approve the Committee Reports, with a second by Dr. Bessmer. Call for vote on motion to approve - voting yes: 12 (Bessmer, Borchert, Fleming, Hansen, Hopp, Low, Jackson, Parsow, Teeter, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

UNFINISHED BUSINESS. None.

NEW BUSINESS.

Comments from the Public. None.

PUBLIC COMMENTS.

PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be March 18, 2019 in the State Office Building.

ADJOURN. There being no further business, Mr. Hansen made a motion to adjourn, with a second by Dr. Warner, all in favor by voice vote. The meeting adjourned at 1:43 PM.

Minutes were taken by Monica Gissler.

These minutes were approved by the State Board of Health on April 29, 2019.

- Remaining Board of Health meeting dates for 2019:
March 18
June 17

September 16
November 18

NOTE: If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: monica.gissler@nebraska.gov.

4/30/19, mcg