

NEBRASKA STATE BOARD OF HEALTH MEETING
DRAFT MINUTES – April 15, 2020

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Dr. Travis Teetor, at 1:03 PM on April 15, 2020 via teleconference hosted in Conference Room Licensure Unit 1 of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed to board members and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present via telephone: Kevin Borchert, PharmD, RP; Shane Fleming, MSN, RN; Michael Hansen, FACHE; Diane Jackson, APRN; John Kuehn, DVM; Kevin Low, DDS; Debra Parsow; Daniel Rosenthal, PE; Wayne Stuber, PhD, PT; Travis Teetor, MD; Doug Vander Broek, DC; and Jeromy Warner, PsyD, LP. Quorum met.
Members not in attendance: Joel Bessmer, MD; Joshua Vest, DPM
Staff and others 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. Mr. Hansen made a motion to approve the agenda, seconded by Dr. Warner; voting yes: 12 (Borchert, Fleming, Hansen, Jackson, Kuehn, Low, Parsow, Rosenthal, Stuber, Teetor, Vander Broek, Warner); voting no: 0; not voting: 0. Motion carried.

APPROVAL OF MINUTES. Dr. Teetor asked if there were any changes to the minutes from the November 18, 2019 regular meeting held in Lincoln. Mr. Hansen made a motion to approve the minutes, seconded by Dr. Warner; voting yes: 12 (Borchert, Fleming, Hansen, Jackson, Kuehn, Low, Parsow, Rosenthal, Stuber, Teetor, Vander Broek, Warner); voting no: 0; not voting: 0. Motion carried.

UPDATES, REPORTS

- Licensure Unit Update – Matt Gelvin, RPQI Administrator reported on ways the Unit is making accommodations during the COVID 19 pandemic, such as extending dates for license expirations. Renewals will occur after the pandemic. 52% of Licensure Unit staff are working remotely. There is an FAQ section on the website.

Board of Health Chairperson – Travis Teetor, MD

1. I appreciate everyone being flexible in scheduling this meeting. We all have to be creative in how we accomplish the work that needs to be done.
2. Professional board meetings attended:
Dr. Vander Broek attended the February 20 Board of Chiropractic meeting.
3. Discussion of September 2020 meeting location. It was agreed that it would be best to skip an out of town meeting this year.

4. Courtney Miller, Director of the Division of Developmental Disabilities, resigned after 20 years of service. She accepted a position in Kansas City with the federal Centers for Medicare and Medicaid Services.
5. Reminder for Statement of Accountability and Disclosure submission.
6. Welcome two new members.
John Kuehn, DVM from Heartwell
Daniel Rosenthal, PE from Lincoln

Credentialing Review (407) Committee – Ms. Parsow, Committee Chair, presented.
<http://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

- #Formulate Recommendations on the Art Therapy Proposal: Questions for applicant group representatives, if any; Discussion on the proposal, if any; and Vote on the proposals. Dr. Low chaired the Review, and provided a recap. Committee motion to approve the Board of Health recommendations; voting yes: 9 (Borcher, Fleming, Hansen, Jackson, Kuehn, Low, Parsow, Rosenthal, Teetor, Vander Broek); voting no: 1 (Stuberg); not voting: 1 (Warner). Motion carried.
- Volunteers to Chair Upcoming Technical Reviews: Letters of Intent have been received, but not actual applications.
Athletic Trainers: Diane Jackson
APRN: Jeromy Warner
- Other Potential Upcoming Reviews:
 - Music Therapy, Spring, Summer, 2020: Credential Music Therapists
 - Applied Behavior Analysts, 2021: Credential ABA practitioners
 - Podiatry: To seek change in scope of practice to allow Podiatrists to use Physician Assistants

4. **Rules and Regulations Committee** – Mr. Hansen, Committee Chair, reported. Regulations were reviewed with staff on March 16, 2020.
<http://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

Nursing – Ann Oertwich

- 172 NAC 99 – Provision of Nursing Care
- 172 NAC 102 – Practice of Licensed Practical Nurses
- 172 NAC 98 – Advanced Practice Registered Nurse Licensure
- 172 NAC 100 – Advanced Practice Registered Nurse
- 172 NAC 101 – Practice of Nursing
- 172 NAC 103 – Practice of Certified Registered Nurse Anesthetists
- 172 NAC 104 – Practice of Certified Nurse Midwives
- 172 NAC 107 – Clinical Nurse Specialists

Behavioral Health and Consumer Services – Kris Chiles

- 172 NAC 61 – Medical Nutrition Therapists

- 172 NAC 67 – Funeral Directors and Embalmers
- 172 NAC 68 – Funeral Establishments and Branch Establishments

Emergency Medical Services – Tim Wilson

- 172 NAC 11 – Licensure of Out-Of-Hospital Emergency Care Providers
- 172 NAC 12 – Licensure of Emergency Medical Services
- 172 NAC 13 – Emergency Medical Services Training Agency

Other Public Health – Sue Medinger, Julie Luedtke, Julia Schmitt, Becki Harris, Mary Boden, Bryan Buss, Sean Loving

- 181 NAC 2 – Screening of Infants for Inherited and Congenital Infant-or Childhood-On-Set Diseases
 - 177 NAC 5 – Fees for Department Laboratory Tests and Services; staff: Boden
 - 180 NAC 12 – Licensing Requirements for Management of Radioactive Waste (Repeal)
 - 180 NAC 17 – Enforcement of Radiation Control Act and Rights to Hearing Procedures for Licensees and Registrants; Penalties
 - 180 NAC 1 – Control of Radiation – General Provisions
 - 180 NAC 2 – Registration of Radiation Generating Equipment Facilities and Services
 - 180 NAC 3 – Licensing of Radioactive Material
 - 180 NAC 4 – Standards for Protection Against Radiation
 - 180 NAC 5 – Radiation Safety Requirements for Industrial Radiographic Operations
 - 180 NAC 6 – Control of Radiation Diagnostic X-Rays in the Healing Arts; AND 180 NAC 21 – Dental Radiographic Equipment
 - 180 NAC 8 – Radiation Safety Requirements for Analytical X-Ray Equipment
 - 180 NAC 9 – Radiation Safety Requirements for Non-Human Use Particle Accelerators
 - 180 NAC 10 – Notices, Instructions and Reports to Workers: Inspections
 - 180 NAC 13 – Transportation of Radioactive Material
 - 180 NAC 14 – Radiation Safety Requirements for Well Logging and Subsurface Tracer Studies
 - 180 NAC 15 – Training and Experience Requirements for Use of Radiation Sources
 - 180 NAC 19 – Licenses And Radiation Safety Requirements For Irradiators
 - 180 NAC 20 – Therapeutic Radiation Machines for Human Use
 - 180 NAC 22 – Shipping of High Level Radioactive or Transuranic Waste
 - 180 NAC 23 – Fluoroscopic Education and Training for Certified Registered Nurse Anesthetists
 - 173 NAC 5 – Rabies Control Program
 - 186 NAC 3 – External Cause of Injury
 - 186 NAC 6 – Outpatient Surgical Procedures Data
- UCA Regulation Status Report
- Dr. Teetor asked if anyone wanted any of the regulations separated out for individual voting. Mr. Hansen made a Committee motion to approve all proposed rules and regulations with one collective vote. Voting yes: 12 (Borcher, Fleming, Hansen, Jackson,

Kuehn, Low, Parsow, Rosenthal, Stuberg, Teetor, Vander Broek, Warner); voting no: 0; not voting: 0. Motion carried.

- UCA Regulation Status Report. Kris Chiles reviewed the timeline for regulations going through the update process. We anticipate 8-10 sets of proposed regulations for review at the next meeting.

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

The Committee interviewed nine applicants on March 16, 2020. The following individuals are recommended for appointment, most with terms through November 30, 2024, unless indicated otherwise:

Board of Chiropractic

Scott Misek, DC from Omaha for Chiropractor Member

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

Harold "Buddy" Sims from Omaha for Nail Technician Member

Board of Dentistry

Kirk McManus from Lincoln for Public Member

Board of Medicine and Surgery

Adam Kuenning from Omaha for Public Member

Board of Mental Health Practice

Mychelle Martinez from Omaha for Public Member

Board of Nursing Home Administration

Amie Clausen, LNHA, EMT from Blair for Nonprofit Home Member

Board of Psychology

Tomeka Johnson from Omaha for Public Member

There are 44 planned professional board interviews for 2020. Vacancy information for 2020 has been posted to the website: <http://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

Dr. Teetor asked for any extractions from the group vote, and there were none. Dr. Warner made a Committee motion to appoint these individuals: Call for vote on motion to approve - voting yes: 12 (Borcher, Fleming, Hansen, Jackson, Kuehn, Low, Parsow, Rosenthal, Stuberg, Teetor, Vander Broek, Warner); voting no: 0; not voting: 0. Motion carried.

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

772

Williams

Change the scope of practice for physician assistants.

		2/26/20 Amended into LB755.
817	Stinner	Adopt the Prescribing Psychologist Practice Act.
828	Hilkemann	Change provisions relating to the scope of practice of a licensed optometrist.
840	Quick	Prohibit the use of electronic smoking devices as prescribed under the Nebraska Clean Indoor Air Act.
887	Arch	Authorize pharmacists to adapt prescriptions.
967	DeBoer	Change provisions regarding bullying prevention and education.
1044	B Hansen	Change provisions relating to the practice of medical nutrition therapy
1064	Briese	Change provisions relating to the sale and use of tobacco products.

Approval of Committee Reports. Dr. Teetor made a motion to approve the Committee Reports. Call for vote on motion to approve - voting yes: 12 (Borcher, Fleming, Hansen, Jackson, Kuehn, Low, Parsow, Rosenthal, Stuberg, Teetor, Vander Broek,, Warner); voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS. None.

UNFINISHED BUSINESS. None.

NEW BUSINESS. None.

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be June 15, 2020 in the State Office Building, room Lower Level C, or by teleconference.

ADJOURN. There being no further business, Mr. Hansen made a motion to adjourn, with a second by Ms. Jackson all in favor by voice vote. The meeting adjourned at 2:20 PM. Minutes were taken by Monica Gissler. These minutes were approved by the State Board of Health on _____, 2020.

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.

Board of Health: <http://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

4/16/20, mcg