

**NEBRASKA STATE BOARD OF HEALTH MEETING**  
**MINUTES – March 14, 2016**

**ATTENDANCE NOTIFICATION.** A regular meeting of the State Board of Health was called to order by the Chair, Wayne Stuber, PT, PhD, at 1:00 PM on March 14, 2016 in Lower Level Conference Room F of the Nebraska State Office 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: Kevin Borchert, PharmD, RP; Shane Fleming, MSN, RN; Michael Hansen; Russell Hopp, DO; Kevin Low, DDS; Dale Michels, MD; Debra Parsow; Wayne Stuber, PhD, PT; Travis Teeter, MD; James Trebbien, Public Member; Doug Vander Broek, DC; Joshua Vest, DPM; Jeromy Warner, PsyD, LP. Quorum met.

Members not in attendance: Teresa Konda, PE; Diane Jackson, APRN; Tony Moravec, DVM; Paul Salansky, OD

Staff attending: Ron Briel, Matt Gelvin, Monica Gissler, Marla Scheer

**APPROVAL OF AGENDA.** Dr. Stuber asked if there were any changes to the agenda for the meeting today. There being no objections, the revised agenda was approved by consent calendar.

**APPROVAL OF MINUTES.** Dr. Stuber asked if there were any changes to the minutes from the January 25, 2016 meeting. Dr. Vander Broek made a motion to change an item related to Dry Needling under Unfinished Business; second by Dr. Low, Call for vote on motion to amend this statement in the draft minutes - voting yes: 3 (Low, Trebbien, Vander Broek); voting no: 7 (Borchert, Fleming, Hopp, Michels, Parsow, Stuber, Teeter); not voting: 3 (Hansen, Vest, Warner). Motion not carried. Dr. Stuber made a motion to approve the minutes, and were approved by voice vote.

**LEGISLATIVE UPDATE.** Bryson Bartels presented on the DHHS legislative priorities and bills they are tracking. The Legislature is in recess today; tomorrow is Day 42 of the session.

- LB 816 Change and eliminate provisions relating to state institution patients' records
- LB 859 Change cease and desist orders under the Uniform Credentialing Act in that Cease and Desist Orders would be issued by the Department of Health and Human Services with related Board recommendations.
- LB 869 Require that certain providers under the Medical Assistance Act be subject to a national criminal history record information check
- LB 899 Change lead content provisions relating to the Nebraska Safe Drinking Water Act
- LB 924 Provide an additional withholding procedure for certain payments under the Income Withholding for Child Support Act
- LB 963 Change provisions relating to area plans and budgets under the Nebraska Community Aging Services Act
- LB 1011 Change provisions relating to at-risk managed care contracts as prescribed
- LB 1039 Define and redefine terms relating to developmental disabilities

**CHAIRPERSON'S REPORT.** Dr. Stuberg reported the following:

1. Asked if anyone attended any professional board meetings that they would like to report on.

- Dr. Vander Broek attended the Board of Chiropractic meeting on February 11<sup>th</sup>.

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.

2. You all received an email from Monica about the annual Statement of Accountability and Disclosure. It is due by April 1<sup>st</sup>.

3. I just want to remind you that any time you have any changes to your personal information – home address, place of work, phone number, license plate number – be sure to let Monica know so the appropriate updates may be made.

4. In June we will welcome Becky Wisell, Administrator of the Licensure Unit, to our meeting. She had planned to come today, but had to attend a nursing meeting in Baltimore.

5. Just a friendly reminder that if you have not already paid your share from the legislative luncheon in January, Monica is still collecting money.

6. Congratulations to Jeromy Warner and his wife on the birth of their 5<sup>th</sup> child, and to Joshua Vest on the birth of their 4<sup>th</sup> baby.

7. With the endorsement of CEO Phillips, Governor Ricketts recently reappointed five members to the Board of Health: Jackson, Parsow, Trebbien, Vander Broek, and myself. Today we welcome our new hospital administrator on the Board of Health – Mike Hansen from Columbus. He is originally from Ohio, and has 33 years of experience in health care.

**COMMITTEE REPORTS.**

**Rules and Regulations Committee** – Dr. Borchert, Committee Chair, reported.

There was discussion about the updated UCA Regulations Status Report. There was a question about NAC 471 Chapter 19 regarding Podiatry changing the definition and redefining the scope. Staff are checking on this Medicaid regulation.

There is concern about the length of time for regulations to move through the process, and what the cause may be for this. Dr. Borchert made a Committee motion to draft a letter to Becky Wisell, with a copy sent to Jennifer Roberts-Johnson. Call for vote on motion to draft and send a letter - voting yes: 13 (Borchert, Fleming, Hansen, Hopp, Low, Michels, Parsow, Stuberg, Teetor Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion not carried.

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**Credentialing Review (407) Committee** – Ms. Parsow, Committee Chair, presented.  
Credentialing Review documents may be accessed at [http://dhhs.ne.gov/Pages/reg\\_admcr.aspx](http://dhhs.ne.gov/Pages/reg_admcr.aspx).

Ms. Parsow made a Committee motion for Approval of the Board of Health Report on the Surgical Technologists' Proposal. For more information, see the reports posted on the website.

Call for vote on motion to approve the report formulated on January 14, 2016 - voting yes: 13 (Borcher, Fleming, Hansen, Hopp, Low, Michels, Parsow, Stuberg, Teetor, Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

The next review most likely will be for LPN-C which would elevate a Licensed Practical Nurse to Licensed Practical Nurse – Certified. The change would potentially allow them to be able to administer IV, and possibly eliminate the LPN license.

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

The Committee interviewed one applicant this morning, and made the following recommendation for appointment:

Board of Nursing: Appoint Anne Dey, RN, DNP, NE-BC to the vacant Nursing Service Administrator partial term through November 30, 2016.

Voting yes: 13 (Borcher, Fleming, Hansen, Hopp, Low, Michels, Parsow, Stuberg, Teetor, Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

The 2016 Vacancy List was reviewed. There are 44 planned vacancies to fill this year, including the carry over positions which did not get filled in November.

There will be interviews scheduled for June 20<sup>th</sup>. There are still seven positions with no applicants. We are particularly in need of public members. Fall interviews will be held on October 16<sup>th</sup> in Lincoln, and potentially on September 18<sup>th</sup> in Omaha.

Following a suggestion from January, the Board of Health webpage has had a link added to the DHHS Investigations page.

During the January luncheon, Senator Crawford asked if the agency or board collects data on how many veterans are assigned to professional boards, and if there is any preferential treatment given to veterans. This question has been added to the applications. Sitting board members will also be queried.

Monica received an email questioning why acupuncturists are not represented on the Board of Medicine and Surgery. The discussion at committee meeting included preparing a list of professions which are currently represented on a professional board in Nebraska, either directly or indirectly, or not represented, and what the typical representation for acupuncturists is in other

states. Dr. Stuberger introduced DHHS attorney Teresa Hampton, who addressed the issue of membership on boards, and the dynamic of having an adjunct board, and he asked for future legal assistance with this topic. This will be a carry-over item for the June Board of Health meeting. Voting yes: 13 (Borcher, Fleming, Hansen, Hopp, Low, Michels, Parsow, Stuberger, Teetor, Trebbien, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

There is an immediate need for public members to serve on professional boards. Please help spread the word. More information is available on the Vacancy website, for current and upcoming vacancies: <http://dhhs.ne.gov/publichealth/pages/BoardReqVac.aspx>

**Public Health, Education and Legislation Committee:** Mr. Fleming, Committee Chair, reported.

The final status of legislative bill action this session was discussed. The Board sent out several letters. We are working on better identifying amendments so we understand the full magnitude of changes. LB 471 was approved by the Governor, and it impacts veterinarians.

Zika virus was mentioned as a possible topic of education for June. This could tie in with a potential September Board of Health meeting.

Dr. Warner will present a Public Health Recognition Award to the Brain Injury Association of Nebraska at their annual meeting in late March in Kearney. Continue to identify worthy programs.

### **UNFINISHED BUSINESS.**

Dry Needling. CEO Phillips sent a letter to the Attorney General requesting a formal AG Opinion, as it relates to Physical Therapy. The impact on Athletic Trainers and Occupational Therapists was added to the request. There is no update on this.

Dr. Stuberger asked the committee chairs to review the missions of their committees, as stated in the annual report which was distributed in January.

### **NEW BUSINESS.**

- Possible locations for the September Meeting. Wahoo, Cozad, Kearney, Omaha
- Committee Goals. Dr. Stuberger had asked all Board of Health members to review the goals of the standing committees, to review, amend, and/or affirm them.

- **PUBLIC COMMENTS.** None.

**PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be June 20, 2016 at the State Office Building in Lincoln. (*The June meeting was cancelled due to State budget shortfalls.*)

**ADJOURN.** There being no further business, Dr. Michels made a motion to adjourn, with a second by Dr. Hopp, all in favor by voice vote. The meeting adjourned at 1:56 PM. Minutes were taken by Monica Gissler. These minutes were approved by the Board of Health members on September 19, 2016.

***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.*