

NEBRASKA STATE BOARD OF HEALTH MEETING
MINUTES – March 23, 2015

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Wayne Stuberg, PhD, PT, at 1:02 PM on March 23, 2015 in Lower Level Conference Room D 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; Russell Hopp, DO Diane Jackson, APRN; Kevin Low, DDS; Dale Michels, MD; Roger Reamer, MBA; Paul Salansky, OD; Wayne Stuberg, PhD, PT; Travis Teetor, MD; Doug Vander Broek, DC; Joshua Vest, DPM; Jeromy Warner, PsyD, LP. Quorum met.

Members not in attendance: Teresa Konda, PE; Tony Moravec, DVM; Debra Parsow (One current vacancy)

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

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

APPROVAL OF MINUTES. Dr. Stuberg asked if there were any changes to the minutes from the January 26, 2015 meeting. Dr. Warner made a motion to approve the minutes as amended, seconded by Dr. Borchert.

LEGISLATIVE UPDATE: Bryson Bartels reported on the status of bills that DHHS is tracking. Today is Day 50 of the long session.

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

1. Has anyone attended any professional board meetings that they would like to report on?
 - Dr. Michels attended the Board of Medicine and Surgery on March 13th.

There is a current 2015 Professional Board Meeting Schedule on the handout table. 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. Today we welcome two new members to our board:
 - Doug Vander Broek from Lincoln was appointed to fill the remainder of the chiropractor member term, vacated by Daryl Wills.
 - Kevin Low from Chappell was appointed to serve as our new Dentist member.
 - Hopefully we will have a new public member by our June meeting.

3. Staff changes at DHHS continue. Last Friday was the last day for Kay Pinkley, who quietly slipped out and retired. Dr. Acierno continues as the interim CEO. Kevin Griess is now the DHHS primary attorney for the Board of Health. Kathy Leuke is the new Medical and Specialized Services Program Manager, replacing Becky Wisell.
4. Monica sent out an email about the annual Statement of Accountability and Disclosure. Everyone needs to submit their statement by April 1st.
5. There is no confirmation yet about our September meeting location, but we are still anticipating going to Beatrice.
6. Later on in our meeting we will hear from Howard Isaacs regarding the Drinking Water program.
7. This morning the Executive Committee met with Dr. Acierno regarding public health activities, and how to more effectively collaborate and cooperate going forward for maximum benefit to the public. The passage of LB 90 regarding directed reviews was also a meeting topic. There will be another meeting in June to keep the dialogue open. The Chair of the Public Health, Education and Legislation Committee will be invited to future meetings.

COMMITTEE REPORTS.

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

The review of amendments to Public Water Regulations, Title 179 NAC 2-002, 3-4, 6, 8, 13-14, and 16 and a new chapter, 179 NAC 26, Revised Total Coliform Rule was completed.

The Department must adopt a regulation at least as stringent as the federal Revised Total Coliform Rule in order to maintain primacy with the United States Environmental Protection Agency. A quick reference guide can be found at

<http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/upload/epa815b13001.pdf>

Updates and editorial corrections have been made. The proposed regulations can be accessed here: <http://www.sos.ne.gov>.

The Revised Total Coliform Rule is found in 179 NAC 26. It is entirely new. The changes in the other chapters are to eliminate references to the current total coliform rule and/or to make the appropriate changes for the revised rule. A public hearing will be held on April 16, 2015.

The purpose of the new rule is to increase public health protection through the reduction of potential pathways of entry for fecal contamination into distribution systems. It establishes a maximum contaminant level (MCL) for *E. coli* and uses *E. coli* and total coliforms to initiate a “find and fix” approach to address fecal contamination that could enter into the distribution system. It requires public water systems to perform assessments to identify sanitary defects and subsequently take action to correct them. The rule will become effective April 1, 2016.

Credentialing Review (407) Committee – Dr. Teetor, Committee Vice Chair, presented.

The Technical Review Committee for Dental Auxiliaries, Chaired by Dr. Stuberg, met on February 25, 2015, and approved their report on the proposal. The Credentialing Review Committee of the Board of Health held a special meeting in Lincoln on March 5, 2015 to formulate their recommendations, and presented them to the full Board of Health today. They had previously been mailed to all Board of Health members. Information from this meeting includes:

Dr. Stuberg stated that the committee members received extensive information from both applicant groups (NDHA and NDA/NDAA) and that they concluded that the NDA/NDAA proposal fits the needs of Nebraskans better than does the NDHA proposal. The committee members were concerned that the NDHA proposal seeks to venture too far beyond current understanding of safe practices and current definitions of regulatory terminology pertinent to oversight, for example.

Dr. Stuberg went on to state that there are points of commonality between the two contending proposals, such as:

- Licensure for dental assistants needs to be established, but that ‘OJT’ dental assistants would not be required to become licensed
- Some expansion of dental hygiene functions is needed
- Some expansion of dental assistant functions pertinent to nitrous oxide administration is needed
- Expansion of prescriptive authority for dental hygienists is needed

Dr. Stuberg then identified points of contention between the two proposals, such as:

- The amount of additional education and training licensed dental assistants would need to safely perform such procedures as fitting crowns, coronal polishing, applying sealants, or monitoring nitrous oxide administration, for example
- The type of oversight necessary to ensure safe services by ‘OJT’ dental assistants, including whether or not a new tier of supervision should be created for that purpose, namely, direct supervision, for example
- Whether or not there should be an expanded functions credentialing category for licensed dental assistants
- Whether dental hygienists should be allowed to administer local anesthesia under general supervision
- Whether dental hygienists should be allowed to perform such irreversible procedures as tooth extractions, for example
- The education and training necessary to apply dental sealants
- The number of licenses and permits to be created for the respective dental auxiliary professions

State Board of Health
March 23, 2015
Page 4

Speakers at the Board of Health public meeting today included:

Deb Schardt, RDH, on behalf of the NDHA proposal
David O'Doherty on behalf of the NDA/NDAA proposal
Cindy Cronick
Crystal Stuhr

The complete record for all Credentialing Review documents may be accessed at
http://dhhs.ne.gov/Pages/reg_admcr.aspx.

A Yes vote means agreement with the Credentialing Review Committee's proposed report. Dr. Teetor made a Committee motion for approval of this report - voting yes: 11 (Borcher, Fleming, Jackson, Low, Reamer, Salansky, Stuber, Vander Broek, Vest, Warner); voting no: 3 (Hopp, Michels, Teetor); not voting: 0. Motion carried, and approved.

Updates on other credentialing review issues.

Professional Boards Committee. Dr. Michels, Committee Chair, reported. Committee members conducted 3 interviews this morning.

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art: Pamela Foran, LE, from Bellevue was appointed to the Electrologist Member position for the term 3/23/2015-11/30/2019.

Board of Registered Environmental Health Specialists: Jeremy Collinson, REHS, from Grand Island, was appointed to the Environmental Health Specialist position for the term of 3/23/2015-11/30/2015.

Dr. Stuber explained that either of these proposed appointments could be separated for individual consideration. There were none. He then called for a vote on the committee motion to appoint these two members - voting yes: 13 (Borcher, Fleming, Hopp, Jackson, Low, Michels, Reamer, Salansky, Stuber, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried, and approved.

The Committee set the tentative date of Sunday afternoon, October 25th to conduct interviews in Lincoln.

Applications for the Nebraska Center for Nursing will be reviewed in June.

Public Health, Education and Legislation Committee: Mr. Reamer reported.

LB 31, Senator Bloomfield's bill to eliminate motorcycle and moped helmet requirements, was discussed. It is currently on General File. We are monitoring this closely, and will take action if it passes the first reading. The plan would be to send letters to every state senator, and to Governor Ricketts.

There were no Public Health Recognitions this month. Dr. Michels has a submission for consideration in June on the Fuel Up To Play 60 program.

UNFINISHED BUSINESS.

Dry Needling. There was discussion to drop this item off of the Unfinished Business agenda, or reinstate it. Dr. Vander Broek made a motion to resurrect the original letter. No second was made, so the motion died. There was a question about the Attorney General Opinion. Kevin Griess will follow up on the letter from last year. *(After the meeting, Mr. Griess the statute (section 84-205) that pertains to Attorney General Opinions. It is specific about who may request an opinion. The State Board of Health is not included.)*

NEW BUSINESS.

- DHHS Program Spotlight. Howard Isaacs presented on Drinking Water.
- Meeting with the Chief Medical Officer. When ancillary recommendations are made in lieu of approving the recommendations, there will be follow up questions as to why the vote went that way. Does the ancillary recommendation really say what the problem is? If the answer is vague, clarification will be made as to what a yes or no vote really means.

PUBLIC COMMENTS. None.

PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be January 22nd at the Nebraska State Office Building in Lincoln.

ADJOURN. There being no further business, Ms. Jackson made a motion at 3:09 PM to adjourn the meeting. All in favor. Minutes were taken by Monica Gissler.

These minutes were approved by the Board of Health on June 22, 2015.

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.