



## NOTICE OF MEETING and AGENDA - REVISED Board of Alcohol and Drug Counseling

This meeting will be held in person. The public is welcome to attend any open session discussion in the Lower Level Morrill Room. This meeting will also be available to the public to participate by WEBEX using this link: <https://sonvideo.webex.com/sonvideo/j.php?MTID=m9bf07275098b96e0365a84f0a0edfa58>.

Call in information: 1-408-418-9388 using meeting number 2490 108 3915.

**PLEASE NOTE: members of the public who wish to join via Webex will need to wait in the lobby while the meeting is in closed session.** We recommend that you wait until the closed session portion of the meeting has ended and the meeting has been unlocked by the host.

AGENDA		Posted 1/9/2026
<b><u>Date and Time:</u></b>	1. <b>Call Meeting to Order and Roll Call</b>	<u>Announcement:</u> there is a current copy of the Open Meetings Act posted on the door to the meeting room.
Thursday 1/15/2026 9:00 a.m.	2. <b>Adoption of Agenda</b>	
<b><u>Location:</u></b>	3. <b>Approval of Minutes</b> – October 23, 2025	
Nebraska State Office Building 301 Centennial Mall S (14 <sup>th</sup> & M) Lincoln, Nebraska 68508 Lower Level Morrill Room	4. <b>Board Hearing</b> – Jenna Kennedy, LADC (approx. 9:15 a.m.)	
<b><u>For Information Contact:</u></b>	5. Hearing Review – <b>CLOSED SESSION</b>	
Jessica Dean 402-471-4918 <a href="mailto:Jessica.dean@nebraska.gov">Jessica.dean@nebraska.gov</a>	6. Hearing Review – <b>OPEN SESSION</b>	
	7. <b>OPEN SESSION</b> (approx. 11:00 a.m.)	
	8. <b>Updates, New Business, and Reports</b>	
	a. Legislation	
	b. International Certification & Reciprocity Consortium (IC&RC)	
	<a href="https://internationalcredentialing.org">https://internationalcredentialing.org</a>	
	c. Reports: disciplinary/non-disciplinary actions, email ballots, license statistics, examination statistics, and administrative fees (included with agenda)	
	9. <b>Annual Business</b>	
	a. Elections and appointments (officers, investigative consultants, IC&RC representative, and education reviewers)	
	b. By-Laws (included with agenda)	
	10. <b>Public Comment</b>	
	11. <b>Adjournment</b> (approximately 12:00 p.m.)	

### **Nebraska Open Meetings Act: 84-1407 through 84-1414**

<https://ago.nebraska.gov/open-meetings>

### **2026 Meeting Dates**

1/15/2026

TBD

All items known at the time of distribution of this agenda are listed. A current agenda is available at the Department of Health and Human Services, Division of Public Health, Licensure Unit and at the following website: <https://dhhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx>. If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call Jessica Dean at (402) 471-4918 (voice), or for persons with hearing impairments, please call the Nebraska Relay System, 711 TDD, prior to the meeting date. Advance notice of seven days is needed when requesting an interpreter.

**Agenda Item 3**

These minutes have not been approved by the Board

**MINUTES OF THE MEETING**  
Board of Alcohol and Drug Counseling  
October 23, 2025

**1. ROLL CALL**

The meeting of the Board of Alcohol and Drug Counseling was called to order by Victor Gehrig, Chair, at 9:04 a.m., in the Lower Level Morrill Room, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, NE 68508. In accordance with §84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) emailed to the Board members and other interested parties, 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and 3) posted on the bulletin board in the Nebraska State Office Building lobby on October 16, 2025.

The following members answered roll call:

**Members Present:**

Lori Cleveland  
Jill Colegrove  
Terry Duffy, Secretary  
Victor Gehrig, Chair  
Anthony Veronee

**Members Absent:**

Brian Bierschenk  
Amy Eigenberg  
Tom Maxson, Vice-Chair

**Staff and Others Present:**

Maiya Baumann, DHHS Program Manager, Licensure Unit  
Jessica Dean, Health Licensing Coordinator, Licensure Unit  
Katherine Amyot, DHHS Department Legal  
Tyler Walvoord, DHHS Department Legal  
Mindy Lester, Assistant Attorney General  
Randy Clark and Trevor Klassen, DHHS Investigators

A quorum was present, and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Colegrove moved, seconded by Veronee, to approve the agenda. A voice vote was taken. Voting yes: Cleveland, Colegrove, Duffy, Gehrig, Veronee. Motion carried.

**3. APPROVAL OF MINUTES – JULY 24, 2025**

**MOTION:** Duffy moved, seconded by Cleveland, to approve the minutes. A voice vote was taken. Voting yes: Cleveland, Colegrove, Duffy, Gehrig, Veronee. Motion carried.

**4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION**  
**CLOSED SESSION**

**MOTION:** Colegrove moved, seconded by Duffy, to enter into closed session to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to individual reputations. A voice vote was taken. Voting yes: Cleveland, Colegrove, Duffy, Gehrig, Veronee. Motion carried.

Closed session 9:09 a.m.

Meeting break 10:42 to 10:52 a.m.

Open session 11:07 a.m.

Loss of quorum 11:15 a.m.

## **6. APPLICATION REVIEW AND RECOMMENDATIONS**

### **Bryer Anderson – Provisional Alcohol and Drug Counselor Application**

**MOTION:** Colegrove moved, seconded by Cleveland, to recommend denial of the application based on conviction history, substance use history, and period of time between sobriety date and most recent substance use treatment. Voting yes: Cleveland, Colegrove, Duffy, Gehrig, Veronee. Motion carried.

### **Victor Camacho – Provisional Alcohol and Drug Counselor Application**

**MOTION:** Colegrove moved, seconded by Cleveland, to recommend approval of the application. Voting yes: Cleveland, Colegrove, Veronee. Abstained: Duffy, Gehrig. Motion carried.

### **Stephanie Coello – Provisional Alcohol and Drug Counselor Application**

**MOTION:** Duffy moved, seconded by Veronee, to recommend approval of the application. Voting yes: Cleveland, Colegrove, Duffy, Gehrig, Veronee. Motion carried.

### **Pamela Edwards – Provisional Alcohol and Drug Counselor Application**

**MOTION:** Veronee moved, seconded by Colegrove, to recommend denial of the application. Voting yes: Cleveland, Colegrove, Duffy, Gehrig, Veronee. Motion carried.

### **Cassie Prather – Provisional Alcohol and Drug Counselor Application**

**MOTION:** Cleveland moved, seconded by Veronee, to recommend approval of the application with a one year probation including abstention from drugs and alcohol and random body fluid screenings during the probationary term. Voting yes: Cleveland, Colegrove, Gehrig, Veronee. Abstained: Duffy

## **7. UPDATES, NEW BUSINESS, AND REPORTS**

Due to absences and a loss of quorum, there were no updates to discuss. There have been no updates regarding legislation since the last meeting. Licensure statistics reports were provided as part of the meeting agenda.

## **8. PUBLIC COMMENTS**

No public comments.

## **9. ADJOURNMENT**

At 11:15 a.m., due to a loss of quorum, the meeting was adjourned.

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Summarized by Jessica Dean, Health Licensing Coordinator, Licensure Unit

**Agenda Item 8c**NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH, LICENSURE UNIT**SUMMARY COUNT OF LICENSES BY LICENSE STATUS****Alcohol and Drug Counselor**

	Active	Application File Closed	Closed	Deleted	Denied	Expired	Inactive	Lapsed	NonDisc Revocation
Alcohol and Drug Counselor	902	43	1	29	15	410	277	1	30
Alcohol/Drug Prelim Conviction R2	0	0	0	1	1	0	0	0	0
Provisional Alcohol and Drug Counselor	496	58	1	17	27	571	35	0	114
<b>Total</b>	<b>1,400</b>	<b>101</b>	<b>2</b>	<b>47</b>	<b>43</b>	<b>981</b>	<b>312</b>	<b>1</b>	<b>144</b>

Null and Void	Pending	Reinstatement Pending	Revocation	Suspension	Voluntary Surrender	Withdrawn	Total
23	6	1	27	1	11	47	1,824
0	2	0	0	0	0	0	6
<b>1,139</b>	<b>9</b>	<b>0</b>	<b>22</b>	<b>10</b>	<b>9</b>	<b>44</b>	<b>2,552</b>
1,162	17	1	49	11	20	91	4,382

**Compliance Listing**

Sort Name	License No	License Type	License Status	Sanction	Sanction Start	Sanction End
Toledo Francisquez, Fredy Jhovany	P-2309	Provisional Alcohol and Drug Counselor	Active	Probation	04/23/2025	04/23/2026
Pasch, Brittany Michelle	P-2373	Provisional Alcohol and Drug Counselor	Active	Probation	10/14/2025	10/14/2026
Leikam, Megan Ann	1399	Alcohol and Drug Counselor	Active	Civil Penalty	02/22/2024	02/22/2027

**NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH, LICENSURE UNIT**



**EXAMINATION STATISTICS SUMMARY REPORT**

Profession: Alcohol and Drug Counselor

Date Range: 01/01/2025 to 12/31/2025

Exam Battery	Exam Name	Result	Number of Candidates
IC & RC Written Examination	IC & RC Written Examination	Pass	49
		Fail	2
		No Show	1
		IC & RC Written Examination total:	

Report total: 52

**Agenda Item 9b**

**BY- LAWS  
BOARD OF ALCOHOL AND DRUG COUNSELORS**

**ARTICLE I**

NAME: Board of Alcohol and Drug Counselors.

**ARTICLE II**

OBJECTIVES:

- (1) To provide an orderly transaction of business relative to the function of the Board.
- (2) To provide a forum for members of the profession and consumers to present information and concerns pertaining to the practice of Alcohol and Drug Counseling in the State of Nebraska.
- (3) Administer Statutes

**ARTICLE III**

MEMBERSHIP:

- (A) Membership on the Board of Alcohol and Drug Counselors shall be appointed by the Board of Health and consists of 9 members:

- 6 Alcohol & Drug Counselor Members
- 2 Public Members
- 1 Psychiatrist, Psychologist, or Mental Health Practitioner Member

Membership requirements are set out in the Uniform Credentialing Act (UCA)

**ARTICLE IV**

OFFICERS AND  
ELECTIONS:

Officers will be elected annually at the first meeting subsequent to December 1. When there are two or more nominees for an office, the election shall be held by ballot.

Officers shall be:

- Chairperson
- Vice-Chairperson

- Secretary

No member shall hold more than 2 consecutive terms in the same officer position.

#### **ARTICLE V**

##### **DUTIES OF OFFICERS:**

Chairperson: facilitates meeting, reviews agenda prior to mailing, and represents the Board.

Vice Chair: in absence of chair, performs duties as assigned to chair.

Secretary: signs Minutes and in absence of the chair & vice chair, performs duties as assigned to chair.

#### **ARTICLE VI**

##### **INVESTIGATIVE CONSULTANT**

The investigative consultant shall be appointed annually, at the same time as the board officers. A back-up consultant shall also be appointed, and shall be called upon in the case where a conflict of interest is declared by the 1st consultant.

#### **ARTICLE VII**

##### **PER DIEM AND EXPENSES:**

Board members per diems shall be ~~\$30.00~~ 50.00 (4/8/10) per day for board activities pursuant to the Uniform Licensing Law and adoption by the Board.

Activities may include: Board Meetings, Board Related Committee Meetings, National Meeting Attendance, and other Board related activities.

Expenses shall be reimbursed according to the Uniform Licensing Law and the Department of Health and Human Services policy(s).

#### **ARTICLE VIII**

##### **MEETINGS:**

Board Meetings will be scheduled as necessary for the transaction of Business; and will be held at least quarterly.

The Board has adopted the following to guide discussions:

- Guidelines for Reviewing Convictions

#### **ARTICLE IX**

##### **NOTICE OF MEETINGS:**

Notice of meetings and agendas are to be distributed in accordance with the Nebraska Public Meetings Law and Licensure Unit policy.

#### **ARTICLE X**

##### **QUORUM:**

Five (5) members of the Board shall constitute a quorum for conducting Business.

Board members should notify the Licensure Unit as soon as possible if they are unable to attend a meeting.

The Chairperson may cancel and/or reschedule a meeting if a quorum is not present.

#### **ARTICLE XI**

##### **PARLIMENTARY AUTHORITY:**

The rules of parliamentary practice comprised in Robert's Rules of Order, Newly Revised; shall govern all proceedings of the board, subject to such Special rules as have been or may be adopted.

#### **ARTICLE XII**

##### **MOTIONS:**

Motions will be made in accordance with parliamentary procedure, except the Chairperson may request that the motion be put in writing and submitted to him/her to be read prior to an official vote.

For a motion to pass, it shall require a majority affirmative vote of the Board Members present (either in person or by telephone conferencing).

**ARTICLE XIII**  
**PUBLIC PARTICIPATION**  
**AT MEETINGS:**

All meetings shall be open to the public, except closed sessions, and Comply with provisions of the Public Meetings Law.

Individuals attending board meetings will be afforded an opportunity to Speak, when appropriate, subject to the following guidelines:

1. By contacting the Chairperson or Licensure Unit, prior to the meeting, relative to a specific issue and asking to be placed on the agenda. This contact must be made no later than 10 days prior to the meeting.
2. The Chairperson may ask at a meeting if members of the public have input they wish to present to the board relative to a specific agenda item.
3. Members of the public speaking at board meetings will identify themselves and indicate if they are appearing on their own behalf or representing a group or organization as their spokesperson. This shall be recorded in the minutes of the meeting.
4. Members of the public shall not be seated at the board table. Chairs will be made available for seating.
5. The Chairperson may limit the time available for public input to facilitate accomplishment of business on the board's agenda. Pursuant to Neb. Rev. Stat. 84-1412, Public Meeting Law, the Chairperson may restrict in terms of time, scope and number of individuals speaking at a public meeting. The Chairperson will announce allotted time prior to an individual speaking or may direct during the presentation the time will be limited.
6. The Board may invite persons with special expertise to speak on specific issues.

**ARTICLE XIV**  
**MINUTES:**

Minutes of Board Meetings shall be maintained on file and available for public viewing, in the office of the Licensure Unit and may be on the Department's website. A draft of the minutes shall be available within approximately 10 days following the board meeting date.

**ARTICLE XVI**  
**AMENDMENTS:**

Any member of the Board may propose amendments to these by-laws.

Proposed amendments shall require a majority vote of the Board Members present (either in person or by telephone conferencing).

Statutory changes that dictate modification of these by-laws will require amendment by the Board. If there is a conflict between state law and Board by-laws, state law will take precedence.

**Uniform Credentialing Act**  
**Statutes Relating to Boards**

**38-126. Rules and regulations; board and department; adopt.**

To protect the health, safety, and welfare of the public and to insure to the greatest extent possible the efficient, adequate, and safe practice of health services, health-related services, and environmental services:

- (1)(a) The appropriate board may adopt rules and regulations to:
  - (i) Specify minimum standards required for a credential, including education, experience, and eligibility for taking the credentialing examination, specify methods to meet the minimum standards through

military service as provided in section 38-1,141, and on or before December 15, 2017, specify standards and procedures for issuance of temporary credentials for military spouses as provided in section 38-129.01;

(ii) Designate credentialing examinations, specify the passing score on credentialing examinations, and specify standards, if any, for accepting examination results from other jurisdictions;

(iii) Set continuing competency requirements in conformance with section 38-145;

(iv) Set standards for waiver of continuing competency requirements in conformance with section 38-146;

(v) Set standards for courses of study; and

(vi) Specify acts in addition to those set out in section 38-179 that constitute unprofessional conduct; and

(b) The department shall promulgate and enforce such rules and regulations;

(2) For professions or businesses that do not have a board created by statute:

(a) The department may adopt, promulgate, and enforce such rules and regulations; and

(b) The department shall carry out any statutory powers and duties of the board;

(3) The department, with the recommendation of the appropriate board, if any, may adopt, promulgate, and enforce rules and regulations for the respective profession, other than those specified in subdivision (1) of this section, to carry out the Uniform Credentialing Act; and

(4) The department may adopt, promulgate, and enforce rules and regulations with general applicability to carry out the Uniform Credentialing Act.

Source: Laws 1927, c. 167, § 68, p. 472; C.S.1929, § 71-902; R.S.1943, § 71-169; Laws 1996, LB 1044, § 401; R.S.1943, (2003), § 71-169; Laws 2007, LB296, § 321; Laws 2007, LB463, § 26; Laws 2015, LB264, § 2; Laws 2017, LB88, § 32.

### **38-145. Continuing competency requirements; board; duties.**

(1) The appropriate board shall establish continuing competency requirements for persons seeking renewal of a credential.

(2) The purposes of continuing competency requirements are to ensure (a) the maintenance by a credential holder of knowledge and skills necessary to competently practice his or her profession, (b) the utilization of new techniques based on scientific and clinical advances, and (c) the promotion of research to assure expansive and comprehensive services to the public.

(3) Each board shall consult with the department and the appropriate professional academies, professional societies, and professional associations in the development of such requirements.

(4)(a) For a profession for which there are no continuing education requirements on December 31, 2002, the requirements may include, but not be limited to, any one or a combination of the continuing competency activities listed in subsection (5) of this section.

(b) For a profession for which there are continuing education requirements on December 31, 2002, continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, any one or a combination of the continuing competency activities listed in subdivisions (5)(b) through (5)(p) of this section which a credential holder may select as an alternative to continuing education.

(5) Continuing competency activities may include, but not be limited to, any one or a combination of the following:

(a) Continuing education;

(b) Clinical privileging in an ambulatory surgical center or hospital as defined in section 71-405 or 71-419;

(c) Board certification in a clinical specialty area;

(d) Professional certification;

(e) Self-assessment;

(f) Peer review or evaluation;

(g) Professional portfolio;

(h) Practical demonstration;

(i) Audit;

(j) Exit interviews with consumers;

(k) Outcome documentation;

(l) Testing;

(m) Refresher courses;

(n) Inservice training;

(o) Practice requirement; or

(p) Any other similar modalities.

(6) Beginning with the first license renewal period which begins on or after October 1, 2018, the continuing competency requirements for a nurse midwife, dentist, physician, physician assistant, nurse practitioner, podiatrist, and veterinarian who prescribes controlled substances shall include at least three hours of continuing education biennially regarding prescribing opiates as defined in section 28-401. The continuing education may include, but is not limited to, education regarding prescribing and administering opiates, the risks and indicators regarding development of addiction to opiates, and emergency opiate situations. One-half hour of the three hours of continuing education shall cover the prescription drug monitoring program described in sections 71-2454 to 71-2456. This



subsection terminates on January 1, 2029.

Source: Laws 1976, LB 877, § 14; Laws 1984, LB 481, § 21; Laws 1985, LB 250, § 4; Laws 1986, LB 286, § 62; Laws 1986, LB 579, § 54; Laws 1992, LB 1019, § 38; Laws 1994, LB 1210, § 41; Laws 1999, LB 828, § 47; Laws 2002, LB 1021, § 12; R.S.1943, (2003), § 71-161.09; Laws 2007, LB463, § 45; Laws 2018, LB731, § 2.

**38-160. Board; member; removal; procedure; grounds.**

(1) The State Board of Health shall have power to remove from office at any time any member of a board for which it appoints the membership, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for not maintaining the qualifications established in sections 38-164 and 38-165, for any cause for which a credential in the profession or business involved may be suspended or revoked under section 38-178 or 38-179, or for a lack of a credential in the profession or business involved.

(2) The State Board of Health shall have full access to such complaints or investigational records as necessary and appropriate in the discharge of its duties under subsection (1) of this section and section 38-158. Source: Laws 1927, c. 167, § 18, p. 458; C.S.1929, § 71-308; R.S.1943, § 71-118; Laws 1979, LB 427, § 9; Laws 1986, LB 286, § 35; Laws 1986, LB 579, § 27; Laws 1987, LB 473, § 12; Laws 1993, LB 187, § 6; Laws 1994, LB 1210, § 20; Laws 1999, LB 828, § 22; R.S.1943, (2003), § 71-118; Laws 2007, LB463, § 60.

**Cross References**

- Administrative Procedure Act, see section 84-920.

**38-161. Boards; purpose; duties; advisory committees or bodies authorized.**

(1) The purpose of each board is to protect the health, safety, and welfare of the public as prescribed in the Uniform Credentialing Act.

(2) The duties of each board include, but are not limited to, (a) setting the minimum standards of proficiency and competency in accordance with section 38-126, (b) providing recommendations in accordance with section 38-149, (c) providing recommendations related to the issuance or denial of credentials, disciplinary action, and changes in legislation, and (d) providing the department with recommendations on regulations to carry out the Uniform Credentialing Act in accordance with section 38-126.

(3) Each board may appoint advisory committees or other advisory bodies as necessary for specific purposes. At least one board member shall serve on each advisory committee or body, and other members may be appointed from outside the board.

Source: Laws 1982, LB 448, § 3; Laws 1987, LB 473, § 7; Laws 1999, LB 828, § 16; R.S.1943, (2003), § 71-112.03; Laws 2007, LB463, § 61.

**38-164 Professional Members/Public Members.** Professional members shall have been actively engaged in practice of his/her profession in the State of Nebraska, under a license issued in this state, for a period of 5 years just preceding his/her appointment and shall maintain such credential and practice while serving as a board member. For purposes of this section, active practice means devoting a substantial portion of time to rendering professional services. Each professional member of a board shall have been a resident of Nebraska for one year and shall remain a resident of Nebraska while serving as a board member

Public Members at the time of appointment and while serving as a board member, a public member appointed to a board on or after December 1, 2008, shall:

- (1) Have been a resident of this state for one year;
- (2) Remain a resident of Nebraska while serving as a board member;
- (3) Have attained the age of nineteen years;
- (4) Represent the interests and viewpoints of the public;
- (5) Not hold an active credential in any profession or business which is subject to the Uniform Credentialing Act, issued in Nebraska or in any other jurisdiction, at any time during the five years prior to appointment;
- (6) Not be eligible for appointment to a board which regulates a profession or business in which that person has ever held a credential;
- (7) Not be or not have been, at any time during the year prior to appointment, an employee of a member of a profession credentialed by the department, of a facility credentialed pursuant to the Health Care Facility Licensure Act, or of a business credentialed pursuant to the Uniform Credentialing Act;
- (8) Not be the parent, child, spouse, or household member of any person presently regulated by the board to which the appointment is being made;
- (9) Have no material financial interest in the profession or business regulated by such board; and
- (10) Not be a member or employee of the legislative or judicial branch of state government. (38-165)

**38-126. Rules and regulations; board and department; adopt.** To protect the health, safety, and welfare of the public and to insure to the greatest extent possible the efficient, adequate, and safe practice of health services, health-related services, and environmental services:

- (1)(a) The appropriate board may adopt rules and regulations to:
  - (i) Specify minimum standards required for a credential, including education, experience, and eligibility for taking the credentialing examination;
  - (ii) Designate credentialing examinations, specify the passing score on credentialing examinations, and specify standards, if any, for accepting examination results from other jurisdictions;
  - (iii) Set continuing competency requirements in conformance with section 38-145;
  - (iv) Set standards for waiver of continuing competency requirements in conformance with section 38-146;
  - (v) Set standards for courses of study; and
  - (vi) Specify acts in addition to those set out in section 38-179 that constitute unprofessional conduct; and
- (b) The department shall promulgate and enforce such rules and regulations;
- (2) For professions or businesses that do not have a board created by statute:
  - (a) The department may adopt, promulgate, and enforce such rules and regulations; and
  - (b) The department shall carry out any statutory powers and duties of the board;
- (3) The department, with the recommendation of the appropriate board, if any, may adopt, promulgate, and enforce rules and regulations for the respective profession, other than those specified in subdivision (1) of this section, to carry out the Uniform Credentialing Act; and
- (4) The department may adopt, promulgate, and enforce rules and regulations with general applicability to carry out the Uniform Credentialing Act.

**38-145. Continuing competency requirements; board; duties.** (1) The appropriate board shall establish continuing competency requirements for persons seeking renewal of a credential.

**38-160. Board; member; removal; procedure; grounds.** (1) The State Board of Health shall have power to remove from office at any time any member of a board for which it appoints the membership, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for not maintaining the qualifications established in sections 38-164 and 38-165, for any cause for which a credential in the profession or business involved may be suspended or revoked under section 38-178 or 38-179, or for a lack of a credential in the profession or business involved.

(2) The State Board of Health shall have full access to such complaints or investigational records as necessary and appropriate in the discharge of its duties under subsection (1) of this section and section 38-158.

**38-161. Boards; purpose; duties; advisory committees or bodies authorized.**

(1) The purpose of each board is to protect the health, safety, and welfare of the public as prescribed in the Uniform Credentialing Act.

(2) The duties of each board include, but are not limited to, (a) setting the minimum standards of proficiency and competency in accordance with section 38-126, (b) providing recommendations in accordance with section 38-149, (c) providing recommendations related to the issuance or denial of credentials, disciplinary action, and changes in legislation, and (d) providing the department with recommendations on regulations to carry out the Uniform Credentialing Act in accordance with section 38-126.

(3) Each board may appoint advisory committees or other advisory bodies as necessary for specific purposes. At least one board member shall serve on each advisory committee or body, and other members may be appointed from outside the board.

**38-168. Boards; conflict of interest.** The department may establish definitions of conflicts of interest for members of the boards and may establish procedures in the case such a conflict arises. For purposes of this section, conflict of interest includes financial, professional, or personal obligations that may compromise or present the appearance of compromising the judgment of a member in the performance of his or her duties.

**38-169. Board; organization.** Each board shall organize annually at its first meeting subsequent to December 1 and shall select a chairperson, a vice-chairperson, and a secretary from its own membership.

**38-170. Board; business; how transacted.** The department shall, as far as practicable, provide for the conducting of the business of the boards by mail and may hold meetings by teleconference or videoconference subject to the Open Meetings Act. Any official action or vote of the members of a board taken by mail shall be preserved in the records of the department and shall be recorded in the board's minutes by the department.

**38-171. Board; advisory committee or body; compensation; limitation; expenses.** Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the

approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

**38-172. Board; national organization or related meetings; attendance.** Each board may select one or more of its members to attend the annual meeting of the national organization of state boards of such profession or other related meetings. Any member so selected shall receive his or her necessary traveling and lodging expenses in attending such meetings on the same basis as provided in sections 81-1174 to 81-1177.

**38-173. Board; liability; exemption; when.** No member of a board, no expert retained by the department, and no member of a profession who provides consultation to or testimony for the department shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or otherwise for any action taken or recommendation made within the scope of the functions of such board or expert or the consultation or testimony given by such person, if such board member, expert, or person acts without malice and in the reasonable belief that such action, recommendation, consultation, or testimony is warranted by the facts known to him or her after a reasonable effort is made to obtain the facts on which such action is taken, recommendation is made, or consultation or testimony is provided.