

These minutes have not been
approved by the Board of Health.

NEBRASKA STATE BOARD OF HEALTH MEETING
DRAFT MINUTES – November 18, 2024

ATTENDANCE NOTIFICATION. Dan Vehle, Board of Health Vice Chair, called a regular meeting of the State Board of Health to order at 1:00 PM on November 18, 2024, in the Goldenrod Conference Room in the Lower Level of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed electronically to board members and other interested parties prior to the meeting and posted on the Health and Human Services website and bulletin board. The following members were present: Mark Bertch, PT; J. Paul Cook, MD; Russell Crotty, OD; Jaime Dodge, MD; Staci Hubert, PharmD; Patricia Kucera, RN; Brett Lindau, DO; Connie Petersen, PhD; Kimberly Stuhmer, RN, MT; Kenneth Tusha, DDS; Doug Vander Broek, DC; Dan Vehle; Jeffrey Wienke, Jr, DPM. Quorum was met. Staff and others in attendance: Monica Gissler Webb, Caryn Vincent, Maggie Mills
Board members not in attendance: David Reese, MHA; Dan Rosenthal

APPROVAL OF AGENDA AND MINUTES. Mr. Vehle asked if there were any changes to the agenda for the meeting today. Dr. Cook made a motion to approve the agenda, seconded by Dr. Dodge; voting yes: 13 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried. Dr. Cook made a motion to approve the minutes from the June 10, 2024 regular meeting, seconded by Dr. Petersen; voting yes: 11 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Stuhmer, Vander Broek, Vehle); voting no: 0; not voting: 2 (Tusha, Wienke). Motion carried.

UPDATES, REPORTS

Dr. Tim Tesmer, Chief Medical Officer, Division of Public Health reported on behalf of Director Menefee.

- State Epidemiologist Update: candidates will meet with the Governor on November 22nd.
- Recent Lassa Fever case in Iowa: 149 cases, This is rodent related, not airborne.
- Pertussis Increase in Nebraska
- Dental Fluoride Regulations

You can visit the Chief Medical Officer's website and click on Health Alert Network for timely updates. <https://dhhs.ne.gov/Pages/CMO-Communications.aspx>

Licensure Unit – Lindsay Braddock, Unit Administrator, reported on the licensing system and gave updates on implementation of legislative bills affecting the Licensure Unit.

- Occupational Licensing, working with the Epiphany, a company that specializes in performance improvement by addressing system constraints, has participated in the Theory of Constraint initiative. This initiative has focused on reducing licensing timeframes and was started in the Behavioral Health and Consumer Service program areas in the Occupational Licensure Unit to reduce the time it took to issue mental health practice licenses. Timelines have already been drastically cut.
- New professions:

- Behavior Analysts
 - As of November 15, 2024 there are 364 Behavior Analysts and 11 Assistants.
 - To practice in Nebraska, a license is required by December 1st.
 - There are emergency regulations in effect, 172 NAC 86.
- Art Therapy
 - The regulations are in the DHHS Regulations team for the final review.
 - A hearing date is pending
 - A licensed art therapist will be part of the mental health board once regulations and licensure are established.
- New Compacts
 - The initial steps to begin the Social Work, Dietitian and Physician Assistant Compacts have occurred; all compacts are in various states of operation; websites will be updated to reflect the compact status of each profession.
- My License Office
 - User Acceptance Testing for the stabilization of the Licensing Information System happened in September and October.
 - Re-testing has continued with any issues being addressed to be operational by the end of February.

Board of Health Vice Chair – Mr. Vehle reported the following:

1. Asked if anyone attended any professional board meetings, and reminded members of the importance of letting Monica know in advance when they plan to attend a meeting. staff, and then to the full Board as the Board of Health liaison. This applies to both in-person and WebEx meetings.
2. Thank you to outgoing Board of Health members Heather Cramer for two years of service and to Diane Jackson for 14 years of service.
3. The Governor has appointed five new members to the Board of Health: Mark Bertch, DPT from Omaha; Staci Hubert, PharmD from Gretna; Patricia Kucera, MSN, GRN, RN from Omaha; Kimberly Stuhmer, RN, MT from Polk, and Ken Tusha, DDS from Creighton. There are currently two vacancies on the Board of Health: veterinarian and public members.
4. DHHS has a new Data Office. We will receive a presentation from them an upcoming meeting.

Credentialing Review – Dr. Vander Broek, Committee Vice Chair, presented.
<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

DHHS has received the intent to submit an application for a credentialing review for Nurse

Practitioners to update the medical radiography statute and fluoroscopy practices. Fluoroscopy is used in several specialty areas where nurse practitioners are increasingly working, however, the Nebraska medical radiography statutes prohibits nurse practitioners from using this diagnostic and procedure tool. Twenty-two other states allow NPs to utilize it.

The Board of Health member chairing this committee will be Jeff Wienke, DPM.

Dr. Russell Crotty attended Senator Hanse's interim study hearing regarding the Credentialing Review process on September 25, 2024.

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

<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

- Title 172 NAC 29 – Chiropractic. The proposed changes update acceptable and non-acceptable continuing education requirements; add online study requirements; update professional relationship requirements; modify unprofessional conduct requirements; add clarification language for sexual misconduct; update restrictions on sexual relationships with patients; update advertising, publicity and solicitation requirements; update terminology; update section headings and formatting; and correct punctuation. The public hearing was held August 20, 2024.
- Title 177 NAC 7 – Methods and Permits for Analyses to Determine Presence of Drugs. The proposed changes update title and chapter name; remove cover page, index, and attachments; add the regulations' scope and authority; update definitions; update language to distinguish between specimen collection and preservation; update the standard operating and analytical procedure requirements for testing specimen, reporting testing results, maintaining and repairing testing instruments, documentation requirements, and record retention requirements; incorporate requirements for methods to test specimen; incorporate requirements to approve additional testing methods; incorporate methods requirements for Class D Permit holders; update application process, continuing requirements, and grounds for denial or revocation of Class D Permits; remove Class D Permits for confirmatory testing requirements; update terminology; update formatting and section headings; correct punctuation and restructure the regulatory chapter. The public hearing was held on October 15, 2024.

Title 179 NAC 1 – Fluoridation of Public Water Supplies. The proposed changes update title and chapter name; add the regulations' scope and authority; add definitions; remove application for certification and revocation of certificate requirements; update the level of fluoride content in the water to be consistent with the Centers for Disease Control and Prevention recommendations; incorporate monitoring requirements for owners of public water systems; update record keeping requirements; set requirements of computation of fluoride ion content, analytical fluoride results, and calculated fluoride concentration; update formatting and restructure the regulatory chapter. The public hearing was held September 18, 2024.

Voting yes: 13 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Stuhmer,

Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

Presentation of annual committee report.

Professional Boards Committee. Dr. Crotty, Committee Chair, reported. They review 20 applications and conducted 13 interviews at the morning meeting and recommend the following appointments.

APRN

Gina Crudden, DNP, APRN-CNS, ACCNS-AG, CMSRN from Omaha

Dentistry

Reappoint Hannah Randell, MHPTT, RDH, PHRDH

Abby Rennau, RDH, BS from Wood River

Brent Johnson, DDS, MS from Lincoln

Reappoint Takanari Miyamoto, DDS, PhD, MBA, MDS, CAGS, from LaVista

Reappoint Lynlee Mehdi from Elkhorn as a Public member

Reappoint Michael O'Hara, JD, PhD, from Omaha as a Public member

Medical Nutrition Therapy

Niki Kubiak, RD, LMNT from Omaha

Paula Ritter-Gooder, PhD, RDN, CSG, LMNT, FAND from Seward

Pharmacy

Amy McMurty, PharmD from Omaha

Physician Assistant Committee

Peter Hunt, MPA-C from Fremont

Podiatry

Reappoint Zachary Gangwer, DPM, FACFAS from Norfolk

Psychology

Thomas Cardwell, PhD from Lincoln

Respiratory Care

Maria Michaelis, MD from Omaha

Public

Linda Heiden from Bertrand, Reappoint to Optometry; and appoint to Audiology and Speech-Language Pathology

Dr. Crotty made a committee motion to approve the proposed professional board appointments. Voting yes: 13 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

We are still seeking applicants for a few professional member positions.

<https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

Dr. Crotty revisited the LB 390 issue to amend NRS 38-129.02. Mr. Reese sent a letter from the Board of Health to Director Menefee and to the Attorney General.

Presentation of annual committee report.

Public Health, Education and Legislation – Dr. Cook, Committee Chair, reported. In the morning committee meeting they reviewed the status of implementation for the legislative bills passed this session and affecting DHHS Division of Public Health. The Public Health Recognition Program has been dormant and there will be a committee discussion about resurrecting it.

Presentation of annual committee report.

Approval of Committee Reports. Dr. Petersen made a motion to approve all committee reports, with a second by Dr. Cook. Voting yes: 13 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS. None.

UNFINISHED BUSINESS.

- Credentialing Review Process – Caryn Vincent said she is working with new hire Maggie Mills to develop new training materials for the Technical Review Committees and also for the Board of Health members on what the six criteria mean. They are updating procedure manuals and looking at the recommendations submitted by the Board of Health. Once completed, they will send them to the Board of Health and professional organizations for feedback. There may be a possible regulation update, but they won't look at it until the legislative session is underway.

NEW BUSINESS.

- Approval of draft Annual Reports for 2024. Committee reports will be sent out for members to review goals for 2025.
- Election of officers.
 - Chair – David Reese
 - Vice Chair – Dan Vehle
 - Secretary – Brett Lindau

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be Monday, January 27, 2025. Location will be Goldenrod conference room, Lower Level of the State Office Building, in Lincoln.

Meeting dates for 2025: January 27, March 17, June 16, September 15, November 17.

ADJOURN. There being no further business, Dr. Petersen made a motion to adjourn; all in

favor by voice vote. The meeting adjourned at 2:30 PM. Minutes were taken by Monica Webb and are scheduled for approval by the State Board of Health on January 27, 2025.

NOTE: If you would like to receive these minutes electronically, please send an email request to monica.gissler@nebraska.gov

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Webb, 402/471-2948, or email at: monica.gissler@nebraska.gov. Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

12/2/24, mgw