

NEBRASKA STATE BOARD OF HEALTH MEETING
DRAFT MINUTES – January 27, 2025

ATTENDANCE NOTIFICATION. David Reese, Board of Health Chair, called a regular meeting of the State Board of Health to order at 1:00 PM on January 27, 2025, 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, DPT; J. Paul Cook, MD; Russell Crotty, OD; Jaime Dodge, MD; Staci Hubert, PharmD; Patricia Kucera, RN; Connie Petersen, PhD; David Reese, MHA; Dan Rosenthal; Kimberly Stuhmer, RN, MT; Kenneth Tusha, DDS; Doug Vander Broek, DC; Dan Vehle. Quorum was met. Staff and others in attendance: Monica Gissler Webb, Caryn Vincent, Maggie Mills. Board members not in attendance: Brett Lindau, DO; Jeffrey Wienke, Jr, DPM.

APPROVAL OF AGENDA AND MINUTES. Mr. Reese asked if there were any changes to the agenda for the meeting today. Ms. Stuhmer made a motion to approve the agenda, seconded by Dr. Bertch; voting yes: 13 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried. Mr. Vehle made a motion to approve the minutes from the November 18, 2024 regular meeting, and from the December 18, 2024 special meeting, seconded by Dr. Dodge; voting yes: 13 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

UPDATES, REPORTS

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

- The State Epidemiologist search continues.
- Highly Pathogenic Avian Influenza (HPAI) virus in dairy cattle. Importation currently prohibited for breeding female dairy cattle.
- Legislative update. 715 legislative bills and 31 resolutions were introduced over the first 10 days of the session. The Division of Public Health is tracking 96 bills.
- 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 following:

- The update to 172 NAC 94, Mental Health Practice regulations is still in process. Upon approval, an Art Therapist member will be appointed to the Board of Mental Health Practice. They are waiting for a public hearing to be scheduled.
- 172 NAC 86 Behavior Analyst Regulations. Emergency regulations are in effect until February 25, 2025.
- 177 NAC 7, Methods and Permits for Analyses to Determine the Presence of Drugs is due back to DPH this week and should be before the Board of Health on March 17th.

- My License System. The new system will go live February 25, 2025, with the current LIS going down February 21st. Users will be notified, and some due dates will be extended as a result.
- Child Care. Live scanning of fingerprints will start soon in Lincoln, possibly early March, then more locations will be added.
- License processing times. Using the Epiphany Initiative to look at efficiency and to reduce processing times, processing times for Mental Health licenses have been reduced to less than 30 days. After looking at the reasons as to why there was a backlog, staff provided education to the public and to associations on things like proper documentation requirements. They are now working on reducing backlogs with Nursing Support and then Dental will follow.

Board of Health Chair – Mr. Reese reported the following:

1. Has anyone attended any professional board meetings that they would like to report on?

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. When you arrive at the meeting, please make a point of introducing yourself to the Board staff, and then to the full Board as the Board of Health liaison. This applies to both in-person and WebEx meetings.

Kim Stuhmer attended the December 6th Board of Massage Therapy meeting.

Dr. Stuhmer attended the January 13th Board of Pharmacy meeting.

2. DHHS has a new Data Office. We will receive a presentation from them at our March meeting.
3. All Board of Health members are required to submit an annual Statement of Accountability and Disclosure by March 1st. Monica sent an email with information about this. New members who just submitted one in 2024 may be exempt.
4. Just a reminder to all members that especially during the legislative season, be sure to identify who you are representing when speaking publicly. If the Board of Health has not authorized you to speak for the full Board, then you are speaking as a private practitioner or person, or for another association.
5. New members – if you are contacted for a legislative confirmation hearing, please let Monica know.

Credentialing Review – Mr. Rosenthal, Committee Chair, presented.
<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

Nurse Practitioners – the Technical Review Committee will have their orientation later this week.

Occupational Therapy – the public hearing was held following the Board of Health meeting on January 27th. Their report will come to the Board of Health on March 17th.

LB436 (HHS Committee) & LB554 (Senator Riepe) were both introduced to recommend changes to the Credentialing Review process. The committee discussed both bills.

The committee approved their goals for 2025.

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

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

There were no proposed regulations before the Board of Health today. There will be two or three sets likely at the March 17th, 2025 meeting:

- Title 177 NAC 7 – Methods & Permits for Analyses to Determine the Presence of Drugs
- Title 172 NAC 97 – Approval of Basic Nursing Programs in NE
- 175 NAC 9 – Hospitals

The committee approved their goals for 2025.

Professional Boards Committee. Dr. Crotty, Committee Chair, reported. They reviewed three applications and conducted three interviews at the morning meeting and recommended the following appointments.

Board of Mental Health Practice

Jen McNally, MA, LIMHP, from Lincoln for the partial term through November 30, 2025

Board of Psychology

Deborah Hoffnung, PhD, from Omaha, for the term through November 30, 2029

Board of Funeral Directing and Embalming

Amy Blinston, from Lincoln for the Public member partial term through November 30, 2025

Dr. Crotty made a committee motion to approve the proposed professional board appointments. Voting yes: 13 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle); 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.

The committee approved their goals for 2025.

Public Health, Education and Legislation – Dr. Cook, Committee Chair, reported. In the morning committee meeting they reviewed the legislative bills on the BOH Tracker as potential bills to follow. Board of Health members were identified as liaisons to most bills. There will be a follow-up meeting scheduled to vote on official Board of Health positions on specific bills. All Board members should read through the bills and be prepared to discuss. If any board members wants to speak or testify on a specific bill, they either need to be approved by the Board of Health, or be clear that they are testifying on their own and not as a board member.

The Public Health Recognition Program has been dormant and there was a committee discussion about resurrecting it. Dr. Petersen will lead a subcommittee for this, and Dr. Hubert and Ms. Stuhmer will join efforts.

The committee approved their goals for 2025.

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, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS. Amy Reynoldson from the Nebraska Medical Association discussed LB 77 and the challenges with advance authorization. She also discussed LB 527, the Medicaid Access to Quality Act, which is an NMA priority. It impacts all providers who can bill on the practitioner fee schedule.

UNFINISHED BUSINESS.

- LB390 letter re reciprocity. Mr. Reese sent a joint letter to Chairty Menefee, Director of the DHHS Division of Public Health, and to Mike Hilgers, the Attorney General of Nebraska. The main issue is public safety concerns from the unintended consequences of reciprocity for professions with lower education standards in other states. This concern was brought to the Board of Health in June by an optometrist. The Attorney General responded that he cannot issue an opinion, but they could issue a response to the agency, DHHS, if they have a question about the discharge of their duties. Caryn Vincent added that Director Menefee has turned the issue over to DHHS Legal for their interpretation and guidance.
- Credentialing Review Process – Caryn Vincent said they are finalizing the procedure manual changes and they should be able to share it within a couple of weeks. There was an email that invited people to comments on proposed revisions.

NEW BUSINESS.

- Approval of draft Annual Reports for 2024. Committee reports will be sent out for members to review goals for 2025.

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be Monday, March 17, 2025. Location will be Goldenrod conference room,

Lower Level of the State Office Building, in Lincoln.
Meeting dates for 2025: June 16, September 15, November 17.

ADJOURN. There being no further business, the meeting adjourned at 2:38 P.M.
Minutes were taken by Monica Webb and approved by the State Board of Health on March 17, 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>

Rev 3/20/25, mgw