

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

NEBRASKA STATE BOARD OF HEALTH MEETING
DRAFT MINUTES – March 17, 2025

CALL TO ORDER AND ROLL CALL. David Reese, Board of Health Chair, called a regular meeting of the State Board of Health to order at 1:00 PM on March 17, 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; Brett Lindau, DO; Connie Petersen, PhD; David Reese, MHA; Dan Rosenthal; Kimberly Stuhmer, RN, MT; Kenneth Tusha, DDS; Doug Vander Broek, DC; Dan Vehle; Jeffrey Wienke, Jr, DPM. All members present; Quorum was met. Staff and others in attendance: Monica Gissler Webb, Maggie Mills, Natalie Smith. A copy of the Open Meetings Act is available in the meeting room.

ADOPTION OF THE AGENDA AND APPROVAL OF THE DRAFT MINUTES. Mr. Reese asked if there were any changes to the agenda for the meeting today. Dr. Cook made a motion to approve the agenda, seconded by Mr. Vehle; voting yes: 14 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle); voting no: 0; not voting: 1 (Wienke). Motion carried. Dr. Hubert made a motion to approve the minutes from the January 27, 2025 meeting, seconded by Dr. Cook; voting yes: 14 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle); voting no: 0; not voting: 1 (Wienke). Motion carried.

UPDATES, REPORTS

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

- Introduced new DHHS State Epidemiologist Sydney Stein, DVM. Dr. Stein brings strong analytical skills and experience as a veterinary epidemiologist. She has been supporting DHHS since July 2023 as a Centers for Disease Control and Prevention Epidemic Intelligence Service Officer.
Dr. Stein holds a combined Master of Public Health with a certificate in Global Public Health and a Doctor of Veterinary Medicine from the University of Missouri-Columbia. She completed the Medical Research Scholars Program at the National Institutes of Health from 2018 to 2019 and a post-doctoral research fellowship from 2019 to 2023, with areas of training expertise in the Zika virus, Ebola virus, and other emerging infectious diseases.
- H5N1 Update. 70 known human cases in U.S. Only four known cases in Nebraska (7 additional in Omaha as of March 20).
- Measles. No reported cases in Nebraska so far. 330 known cases so far with the majority in Texas. Stressed the importance of the MMR vaccination.
- 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:

- My License System went live February 25, 2025, and the next phase begins in April. A new license will be issued within 30 days or less. They are focusing on Mental Health.
- The Licensure Unit is undergoing an audit for the Nebraska State Patrol regarding how they handle cases for investigation.
- The Licensure Unit is looking at the Children's Services licenses – the three-year cycle, how the program is operating, confidentiality, etc.

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

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

Dr. Bertch attended the January 28th Board of Occupational Therapy meeting. They discussed LB630 and the proposed changes under the current Credentialing Review for change in practice requirements.

2. As Dr. Tesmer reported, there is a new State Epidemiologist, Dr Sydney Stein, a veterinarian. She has been working at DHHS as a CDC employee but today is her first day in this new capacity. We will begin receiving regular reports from her at our June Board of Health meeting.
3. All Board of Health members were required to submit an annual Statement of Accountability and Disclosure by March 1st. If you have not submitted your statement, please make it a priority.
4. At our January meeting, we referred to the approval letter for Board of Health members to remain in professional board meetings when they go into closed session. Monica sent out a copy of the letter with your meeting materials. In 1999, the Nebraska Attorney General's Office stated legal precedence for the Board of Health as the "appointing authority" has a basis to exercise this oversight. All Board members must be diligent in respecting and following the rules of Closed Sessions by not removing any materials from these sessions and not discussing anything from the session once they are out of it.
5. 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.
6. New members Bertch, Cook, Hubert, Lindau, Kucera, Stuhmer and Tusha will have their Legislative confirmation hearings this Thursday.

Open Meetings Act and Public Records – Danielle Sund and Tom Skutt, both from DHHS Legal, clarified what constitutes a public record, be it digital or hard copy. If the Board members communicate with a quorum or more of members, the exchange is subject to public records, including a text chat. Same for any meetings if nine or more Board of Health members are in attendance.

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 first meeting on March 19th, hosted by Dr. Wienke. Nebraska Nurse Practitioners proposes to update the Medical Radiography Statute to include nurse practitioners as “licensed providers”. This would allow nurse practitioners to supervise and/or perform fluoroscopy after didactic and clinical training requirements have been met.

Occupational Therapy – the public hearing was held following the Board of Health meeting on January 27th. Their proposal is seeking to align current entry-level education with the statute, increase the scope of practice for OTs to include instrument-assisted modalities, increase the scope of practice for OTAs to include physical-agent modalities, and adjust provisions to reduce the gap between temporary and permanent licensure. These aim to address burden faced by practitioners such as billing and duplicative trainings of certain skills taught in entry-level education while also reducing barriers to receive care by clients served in less populated areas.

Their report was reviewed at the morning Credentialing Review Committee meeting. All reports are available on the Credentialing Review website link above. Mr. Reese offered guests to speak on this issue. There were no comments, but Melissa Kimmerling, EdD, MOT, OTR/L, representing the applicant group, presented at the morning Committee meeting and responded to questions by committee members.

The committee motion is to approve the proposal. Voting yes: 15 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

LB436 (HHS Committee) & LB554 (Senator Riepe) were introduced to recommend changes to the Credentialing Review process.

Rules and Regulations Committee – Dr. Dodge, Committee Chair, reported.
<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

The following proposed regulations were presented for approval:

- Title 177 NAC 7 – Methods and Permits for Analyses to Determine the 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 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.

A public hearing was held on January 29, 2025, and no written comments were received. The department will make no changes to the regulations.

The committee motion is to approve the proposed regulations. Voting yes: 15 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

- Title 172 NAC 97 – Approval of Basic Nursing Programs in Nebraska. The proposed changes update the regulations' scope and authority; update definitions; modify prelicensure nursing education program standards requirements; revise practical and registered nursing program requirements; update other faculty requirements; update preceptor qualifications; add simulation requirements; update new prelicensure education programs requirements; clarify reporting requirements to the Board; update the Board of Nursing's authority on disciplinary actions against a nursing program; add clarification language throughout the regulatory chapter; remove section citations; update formatting and section headings; and correct punctuation and grammatical errors.

A public hearing was held on December 2, 2024, and three email comments were received. The Department is making one minor post-hearing edit based on public comment received. The edit is for clarification purposes.

The committee motion is to approve the proposed regulations. Voting yes: 15 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

Rules and Regulations Committee meeting in June:
175 NAC 9 – Hospitals

Professional Boards Committee. Dr. Crotty, Committee Chair, reported. There were no interviews at the morning meeting.

- 2025 Appointments to Professional Boards. The vacancy website will go live May 1, 2025. Applications are due by August 1, 2025 and interviews will be held on Sunday, September 14, 2025 in Lincoln.

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

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

Public Health, Education and Legislation – Dr. Cook, Committee Chair, reported. In the morning committee meeting they reviewed the status of legislative bills on the BOH Tracker.

The Public Health Recognition Program has been dormant and there was a committee discussion about resurrecting it. Dr. Petersen, along with Dr. Hubert and Ms. Stuhmer, reviewed the program and suggested updating the nomination form and reactivating it.

Dr. Cook made a motion is to resurrect the Public Health Recognition Program. Voting yes: 15 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

Dr. Cook made a motion is to create a sunset provision for the Public Health Recognition Program. If the program is not extended in March 2027, the program would cease. Voting yes: 15 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

Dr. Cook distributed a draft statement to the Legislature in support of LB202 Exempt certain activities from disciplinary action under the Medicine and Surgery Practice Act. After discussion, Dr. Cook made a motion is to adopt the proposes statement, with a second by Dr. Dodge. Voting yes: 15 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried. Monica will post the statement on behalf of the Board of Health. There was a question about liability for Board of Health members in the performance of their duties. N.R.S. 71-2611 addresses coverage.

Approval of Committee Reports. Dr. Tusha made a motion to approve all committee reports, with a second by Mr. Vehle. Voting yes: 15 (Bertch, Cook, Crotty, Dodge, Hubert, Kucera, Lindau, Petersen, Reese, Rosenthal, Stuhmer, Tusha, Vander Broek, Vehle, Wienke); voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS. None.

UNFINISHED BUSINESS.

- Clarification of LB390 (2021) Provisions for Reciprocity – Dr. Tesmer. DHHS Legal has clarified that NRS 38-129.02 does not authorize the Department of Health and Human Services to establish rules or regulations regarding the reciprocity process outside of identifying the necessary application documents. DHHS may not further interpret the residency or education requirements but may determine the level of credential recommended by the professional board.
- Credentialing Review Process and New Manual – Charity Menefee thanked everyone for their work on reviewing the drafts and said the revised manual will be out soon. Some of the revised forms and suggested revisions were used in the current Occupational Therapy review with positive feedback.
- Professional Board Member Attendance at Credentialing Review Meetings – Charity Menefee. A letter was sent to all professional board members clarifying the transparency of the Credentialing Review Process and the Technical Review Committee meetings. Professional board members are allowed to attend, participate

and provide information on behalf of themselves, or on behalf of their professional board if they have the approval to speak and represent that board.

NEW BUSINESS. None.

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be Monday, June 16, 2025. Location will be Goldenrod conference room, Lower Level of the State Office Building, in Lincoln. Dr. Crotty suggested there be an orientation for Board of Health members for the revised Credentialing Review process. Other meeting dates for 2025: September 15, November 17. Professional board interviews will be held on Sunday, September 14th.

ADJOURN. There being no further business, the meeting adjourned at 2:40 P.M. Minutes were taken by Monica Webb and are scheduled for approval by the State Board of Health on June 16, 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>

3/24/25, mgw