

**NEBRASKA STATE BOARD OF HEALTH MEETING**  
**DRAFT MINUTES – March 21, 2022**

**ATTENDANCE NOTIFICATION.** Dr. Timothy Tesmer, Chair, called a regular meeting of the State Board of Health to order at 1:00 PM on March 21, 2022 in Conference Room Lower Level B 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: Doug Bauer, DO; Diane Jackson, APRN; Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; Mark Patefield, PharmD; David Reese, MHA; Daniel Rosenthal, PE; Timothy Tesmer, MD; Doug Vander Broek, DC; Dan Vehle; Joshua Vest, DPM. Quorum met.

Staff and others in attendance: Monica Gissler, Caryn Vincent

Board members not in attendance: Joel Bessmer, MD; Russell Crotty, OD; Robert (Bud) Synhorst, MEd

**APPROVAL OF AGENDA AND MINUTES.** Dr. Tesmer asked if there were any changes to the agenda for the meeting today and the minutes from January 24, 2022, and February 14, 2022. Dr. Kuehn made a motion to approve the agenda, seconded by Ms. Jackson; voting yes: 12 (Bauer, Jackson, Kotopka, Kuehn, Ostdiek, Reese, Rosenthal, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

**UPDATES, REPORTS**

Public Health Update – Ms. Wisell was unable to attend the meeting.

Legislation – Mr. Bartels shared an update on the bills passed, the Interim Studies, and the impact to DHHS. There was a handout on the hearings. Today was Day 45 of this session.

Dr. Gary Anthone, Chief Medical Officer, Division of Public Health presented current Covid rates and trends, including hospitalization, ICU, ventilator use, reinfection, vaccination, testing, and test positivity.

He thanked the Board of Health members for the work they do.

Board of Health Chair – Dr. Tesmer reported the following:

1. 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.

2. I am pleased to share that Governor Ricketts has reappointed Dr. Vander Broek and Dr. Vest to second terms on the Board of Health. Confirmation hearings are scheduled for

March 22, 2022. New Board member, Dr. Doug Bauer, from Gretna, representing the Osteopathic Physician member, introduced himself.

3. Sadly, we lost two members on the Board this month: Colton Palmer and Shane Fleming have both resigned due to workload conflicts.
4. Is there anyone else you would like to have invited to a meeting for a presentation or discussion? Matt Donahue, who Dr. Anthonie just introduced, will present at an upcoming meeting as well.
5. Just a reminder if you did not submit your Statement of Accountability and Disclosure, to please tend to it at your soonest opportunity.

**Public Health, Education and Legislation Committee:** Dr. Kuehn, Committee Chair, reported. The Legislative session will conclude on April 20, 2022.

At the morning meeting, a discussion was started about the most effective ways to interact with members of the Legislature, and about options in lieu of a legislative luncheon in January 2023. The discussion will continue in June.

**Credentialing Review (407) Committee** – Mr. Rosenthal, Committee Chair, presented.

<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

- The Nebraska Pharmacists Association submitted a letter of intent for a review for pharmacy technicians.
- The first meeting for the Optometrists review is scheduled for April 7, 2022, with Dan Rosenthal serving as Chair.
- Third meeting of the Applied Behavior Analysts technical review committee is scheduled for March 22, 2022, with David Reese serving as Chair.

**Rules and Regulations Committee** – Dr. Vest, Committee Chair, reported.

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

- 172 NAC 87 Surgical First Assistant – Jesse Cushman, Program Staff. The proposed regulation does not include duplicative statutory and regulatory language found in other applicable chapters and provides a reference to 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act. This chapter includes a reference to the unprofessional conduct section in Title 172 chapter 88. For all professions under the purview of the Board of Medicine and Surgery all unprofessional conduct sections now reference 172 NAC 88 and may have a few additional requirements that are listed in each chapter. This chapter defines approved education and certifying bodies, lists licensure requirements specific to Surgical First Assistants, how to apply via reciprocity from another state. This chapter sets out the licensure expiration date, and required Continuing Education for renewal, and lists unprofessional conduct actions which are not already covered in title 172 chapter 88 regulation. Finally this chapter sets out the fee for initial and renewal licensure. Public

hearings were held September 15, 2021 and February 7, 2022.

<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2532.pdf>

- 174 NAC 3 Regulations Governing the Viewing and Release of Vital Records – Sean Loving. These regulations govern the access to and release of birth, death, marriage, and dissolution of marriage certificates. They remove duplicate statutory, unnecessary, or inconsistent language from the regulations; and update definitions. They outline requirements for the application process, burden of proof, and obtaining a certified certificate; update process to view a record; and establish a process whereby researchers may apply for approval to access information designated on the certificates as being for health data and statistical research purposes. This regulation sets out the requirements to view or obtain such records in order to ensure that individuals' personally identifying information, like Social Security Numbers, are confidential. The proposed changes were to lessen the restrictions on who may obtain records, for example allowing grandchildren to obtain records for genealogical use. The public hearing was held February 8, 2022.  
<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2533.pdf>
- 174 NAC 4 Regulations Governing the Amendment of Marriage and Dissolution of Marriage Records – Sean Loving. Request your review to amend Title 174 NAC 4. These regulations are intended to implement the law governing how corrections can be made to marriage and dissolution records, which serve as legal documentation often necessary to obtain certain rights and responsibilities unique to marriage and dissolution of marriage pursuant to Nebraska Revised Statute §§ 71-601.01. This chapter removes language that regulates the program and changes language to reflect neutral parties. There is no change on how the events are amended. The public hearing was held February 8, 2022.  
<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2534.pdf>
- 181 NAC 1 Nebraska Chronic Renal Disease Program – Monica Pribil. The proposed revisions update definitions; modify terminology; remove duplicate statutory, unnecessary, and inconsistent language from the regulations; update non-covered services, payment determination, eligibility and application, and third-party refunds; set provisional approval requirements; and update section headings and formatting. The public hearing was held on February 7, 2022.  
<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2531.pdf>
- 186 NAC 2 Brain Injury Registry – Andrew Ngochoch/John Gaza. The proposed changes update the regulations scope, updates definitions, updates requirements for availability of medical records, the release of information and data provided to the International Classification of Disease Tenth Revision Clinical Modification Coding System of the World Health Organization, and removes all duplicate statutory unnecessary language from the regulation. The public hearing was held January 27, 2022.  
<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2525.pdf>

Dr. Vest made a Committee motion to approve the proposed rules and regulations; voting yes: 12 (Bauer, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Reese, Rosenthal, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

- UCA Regulation Status Report – <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi> -- Sue Medinger, Kris Chiles

**Professional Boards Committee.** Ms. Jackson, Committee Chair, reported. They conducted one interview in person in the morning.

Brandon Holt, BSRT, of Kearney, was appointed to the Medical Radiographer partial term of March 21, 2022-November 30, 2024.

Janelle Ali-Dinar, PhD, of Hastings, was appointed as a Public Member to the Board of Nursing Home Administration for the term of March 21, 2022-November 30, 2025.

Theresa Clary, of Bellevue, was appointed as a Public Member to the Board of Veterinary Medicine and Surgery for the term of March 21, 2022-November 30, 2024.

Melissa Dodge, JD, of Lincoln, was appointed as a Public Member to the Board of Medical Nutrition Therapy for the term of March 21, 2022-November 30, 2025.

Ms. Jackson made a Committee motion to approve the appointment and recommendations. Voting yes: 12 (Bauer, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Reese, Rosenthal, Tesmer, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

We are still seeking public members for other boards, along with a few professional positions. <https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

**PUBLIC COMMENTS.** None.

**UNFINISHED BUSINESS.** None.

**NEW BUSINESS.**

Dr. Vander Broek addressed the cannabis bills introduced this session, and the ongoing petition efforts. He proposed there be a subgroup of the PHEL Committee.

**TOPICS AND PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be June 13, 2022 in Lincoln. Location is the Nebraska State Office Building.

**ADJOURN.** There being no further business, Mr. Synhorst made a motion to adjourn, with a second by Mr. Vehle; all in favor by voice vote. The meeting adjourned at 2:30 PM. Minutes were taken by Monica Gissler, and are scheduled for approval by the State Board of Health on June 13, 2022.

***NOTE:*** If you would like to receive these minutes electronically, 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, 402/471-2948, or email at: [monica.gissler@nebraska.gov](mailto:monica.gissler@nebraska.gov).*  
Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

4/4/22, mcg