

NEBRASKA STATE BOARD OF HEALTH MEETING
DRAFT MINUTES – NOVEMBER 13, 2023

ATTENDANCE NOTIFICATION. Dr. Doug Vander Broek, Chair, called a regular meeting of the State Board of Health to order at 12:30 PM on November 13, 2023, in the Conference Room B at Bryan Medical Center East 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: Heather Cramer, RN; Russell Crotty, OD; Diane Jackson, APRN; Michael Kotopka, DDS; David Reese, MHA; Daniel Rosenthal, PE; Doug Vander Broek, DC; Dan Vehle; Josh Vest, DPM. Quorum was met.

Staff and others in attendance: Monica Gissler, Caryn Vincent. DHHS attorney Teresa Hampton attended via Zoom.

Board members not in attendance: Jaime Dodge, MD; John Kuehn, DVM; Donald Ostdiek, DPT; Mark Patefield, PharmD; Robert (Bud) Synhorst.

APPROVAL OF AGENDA AND MINUTES. Dr. Vander Broek asked if there were any changes to the agenda for the meeting today and the minutes from the September 18, 2023 regular meeting. Dr. Kotopka made a motion to approve the agenda and draft minutes, seconded by Dr. Vest; voting yes: 9 (Cramer, Crotty, Jackson, Kotopka, Reese, Rosenthal, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

UPDATES, REPORTS

Dr. Tim Tesmer, Chief Medical Officer, Division of Public Health passed along an Attorney General warning about Delta 8, a synthetic THC chemical in snacks and candy.
<https://dhhs.ne.gov/han%20Documents/UPDATE11072023.pdf>

The public hearing for the proposed regulations for gender affirming care for transgender youth will be held on November 28th at the Lancaster County Events Center in Lincoln from 7:00 AM-7:00 PM. Depending on the extent of comments received, they would come before the Board of Health at the January 22, 2024 public meeting.

Dr. Matt Donahue, State Epidemiologist, reported about rabies in Eastern Nebraska and Western Iowa, and how it is transmitted among different animal breeds. He also updated the Board about Tuberculosis.

Legislation – Nicole Barrett, JD, Director of Legislative Services reported. The Legislature is currently finishing up their interim studies, and the new session starts January 3, 2024.

Licensure Unit – Lindsay Braddock, Unit Administrator, reported on the new Board of Behavior Analysts. The first two members were appointed at this meeting; there are three more vacancies to fill. They are also working on legislative updates to the Board of Medical Nutrition Therapy.

The Licensing Information System stabilization project is going strong and should be completed by December 2024. This is a 25-year old licensing system. The next step in

2025 will be to make the system more user friendly.

Board of Health Chair – Dr. Vander Broek reported the following:

1. Professional board meetings: Board of Health members are each assigned as liaisons to various professional boards. They will let staff know in advance when they plan to attend a meeting. Upon arrival at a meeting, they will introduce themselves 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. Board of Health members are allowed to remain during closed session meetings and must comply with all rules of confidentiality.
2. Committee annual reports will be presented with each committee report. We also have a new 2023 Board of Health Fact Sheet for your review.
3. The annual election of Board of Health officers will occur later in our meeting today. If you would like your name on the ballot, let Monica know.
4. Vonda Apking has accepted the position as an Occupational Licensure - Program Manager II for the Office of Medical and Specialized Health Services, replacing Jesse Cushman. Vonda was the Interim Program Manager and has had several years of experience in a variety of roles within the Licensure Unit.
5. Thank you to UNMC and DHHS staff who coordinated a Veterans Mission of Mercy dental clinic in October. They served 325 veterans and over \$385,000 of dental care was provided over two days.
6. Just a reminder about the confidentiality of closed committee meetings. The standing committee meetings are closed partly due to the sensitive and confidential nature of some of the information discussed.
For example, in the professional boards committee, because a number of us have had difficulty logging in to the Sharepoint system, documents have been emailed to us. These include applications and related materials such as resumes, letters of recommendation, and upon occasion staff or board member evaluations or even license disciplinary information. It's important to permanently delete any of these documents after the committee has completed its work, and not share any of these documents. Also, a reminder that committee recommendations are not finalized until and unless they are approved by the full Board of Health at the public meeting. Committees may take action which can be amended in any way by the full Board, may be tabled, postponed, not approved, or any number of outcomes.

Rules and Regulations Committee – Mr. Vehle, Committee Chair, reported.

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

1. Review the following proposed rules and regulations:
 - Title 172 NAC 53 – Unlicensed Dental Assistants and the Licensure of Dental Assistants
The proposed changes set the requirements for obtaining a license based on reciprocity;

and set out the requirements for documenting residency.

<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2689.pdf> for all four chapters of proposed dental regulations.

- Title 172 NAC 56 – Licensure of Dentists; Minimal, Moderate, or General Anesthesia/Deep Sedation The proposed changes set the requirements for obtaining a license based on reciprocity; set out the requirements for documenting residency; update examination for licensing requirements; update the standards of operation, care, and treatment requirements; and correct punctuation and renumber the regulatory chapter.
- Title 172 NAC 57 – Licensure of Dental Hygienists The proposed changes set the requirements for obtaining a license based on reciprocity; set out the requirements for documenting residency; add clarification language; and correct typographical errors.
- Title 172 NAC 58 – Dental Faculty Licenses The proposed changes set the requirements for obtaining a license based on reciprocity; set out the requirements for documenting residency; establish requirements for additional education in lieu of license or post graduate education; revise requirements for examination from an accredited or non-accredited dental education institution; update continuing education requirements; update unprofessional conduct provisions; correct typographical errors; and renumber the regulatory chapter.

The first public hearing was held on September 26, 2022; there were 9 comments received; based on these comments the Board made substantive changes which required the proposed regulations to have a second public hearing to address the substantive changes. The first public hearing was held on September 26, 2022; there were 9 comments received; based on these comments the Board made substantive changes which required the proposed regulations to have a second public hearing to address the substantive changes.

Mr. Vehle made a committee motion to approve the proposed rules and regulations. voting yes: 9 (Cramer, Crotty, Jackson, Kotopka, Reese, Rosenthal, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried.

The Rules and Regulations annual committee report for 2023 was shared.

Professional Boards Committee. Dr. Crotty, Committee Vice Chair, reported. They conducted 2 interviews during the morning meeting and recommend the following appointments.

Board of Behavior Analysts

Kyle Dawson, MA, BCBA, from Omaha for the term November 13, 2023-November 30, 2028

Mandi Reinders, Public Member, from Bellevue for the term November 13, 2023-November 30, 2028

Dr. Crotty made a committee motion to approve the proposed appointments. Voting yes: 9 (Cramer, Crotty, Jackson, Kotopka, Reese, Rosenthal, Vander Broek, Vehle, Vest); 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>

The Professional Boards Committee annual committee report for 2023 was shared.

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

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

The Credentialing Review Committee annual report for 2023 was shared.

Public Health, Education and Legislation Committee. Dr. Vander Broek, Board of Health Chair, reported.

During the morning committee meeting, Caryn Vincent explained the change in DHHS staff support for the legislative actions of the Board of Health.

The Public Health, Education and Legislation Committee annual report for 2023 was shared.

PUBLIC COMMENTS.

Dr. Maria Michaelis, member of the Board of Medicine and Surgery, spoke about her experience with the appointment process used for the September professional board interviews.

UNFINISHED BUSINESS.

- Healthcare Workforce Issues – Mr. Reese presented. At the September Board of Health meeting, he shared a draft letter to Senator Arch regarding the shortages. The letter will move forward with Dr. Vander Broek's signature.
- Board of Health Liaison to Nebraska Medical Association Workgroup – Dr. Vander Broek reported on their October 18th meeting.

1:48 PM - Dr. Vander Broek called a RECESS for a break.

1:57 PM – RECONVENE with a roll call to reestablish quorum: The following members were present: Heather Cramer, RN; Russell Crotty, OD; Diane Jackson, APRN; Michael Kotopka, DDS; David Reese, MHA; Daniel Rosenthal, PE; Doug Vander Broek, DC; Dan Vehle; Josh Vest, DPM. Quorum was met.

NEW BUSINESS.

Election of Officers. There was only one applicant for each position, and Dr. Vander Broek made a motion to elect the new officers, with a second by Ms. Jackson. Voting yes: 9

(Cramer, Crotty, Jackson, Kotopka, Reese, Rosenthal, Vander Broek, Vehle, Vest); voting no: 0; not voting: 0. Motion carried. New Board of Health officers for 2024 are as follows:

Chair: David Reese
Vice Chair: Dan Vehle
Secretary: Heather Cramer

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be Monday, January 22, 2024. Location will be the State Office Building in Lincoln.

ADJOURN. There being no further business, Dr. Kotopka made a motion to adjourn, with a second by Dr. Crotty; all in favor by voice vote. The meeting adjourned at 2:06 PM. Minutes were taken by Monica Gissler and are scheduled for approval by the State Board of Health on January 22, 2024.

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. Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

11/22/23, mcg