

Minutes of the July, 15, 2022 Board of Hearing Instrument Specialists Meeting

1. ROLL CALL

Vice-Chairperson, Ed Granger, called the meeting of the Board of Hearing Instrument Specialists to order at 1:05 p.m. on Friday, July 15, 2022 in the Third Floor Conference Room, 3H, at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on July 6, 2022.

Granger announced that this is a public meeting and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

Misti Lutt-Chmiel, Member
Ed Granger, Vice-Chairperson
Dr. Aaron Robinson, Member
Dr. Kelly Pritchett, Member

Members Absent:

Dr. Aaron Robinson, Secretary

Others Present:

Milissa Johnson-Wiles, Assistant Attorney General
T.J. O'Neill, Assistant Attorney General
Suzanna Glover-Ettrich, DHHS Attorney
Trevor Klaussen, Investigator
Claire Covert-ByBee, Program Manager
Amy Blinston, Health Licensing Coordinator
Dr. Tesmer, Board of Health
Anna Harrison, Compliance Monitor

2. ADOPTION OF AGENDA

MOTION: Lutt-Chmiel moved, seconded by Pritchett to adopt the agenda. Voting aye: Granger, Lutt-Chmiel, Robinson, and Pritchett. Voting nay: None. Motion carried.

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the February 12, 2021 meeting minutes on February 22, 2021. Board members Granger, Lutt-Chmiel, Robinson, and Pritchett voted to approve.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Lutt-Chmiel moved, seconded by Robinson, to go into closed session at 1:10 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Granger, Lutt-Chmiel, Robinson and Pritchett. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS – OPEN SESSION

The Board returned to open session at 1:48 p.m. Lutt-Chmiel moved, seconded by Robinson, to recommend approval of the application of Mykeltie Zimmerman. Voting aye: Granger, Lutt-Chmiel, Robinson and Pritchett. Voting nay: None. Motion carried.

6. UPDATE ON LEGISLATIVE BILLS

Covert-ByBee indicated the legislative session ended on April 20th, 2022, and provided updates on several legislative bills. LB15 was the Occupational Therapy Compact and was amended into LB752 and passed on April 18, 2022. Covert-ByBee indicated language was added to require Audiologists and Speech-language Pathologists to obtain a criminal background check by fingerprint as a provision of licensure. This was necessary to make Nebraska compliant with the Audiology Speech-Language Pathology Compact that was passed last session. The Nebraska State Patrol is the only agency authorized to complete criminal background checks by the Federal Bureau of Investigation, however Compact privileges will not be operational while the it is in the process of getting established. LB752 also contained the Respiratory Care Expansion of Scope bill, and will come into effect July 21st, 2022.

LB 436 is the Athletic Trainers expansion of scope bill, which was passed and signed by governor on April 18, 2022. This will go into effect July 21st, 2022.

LB709 changes requirements relating to preliminary applications under the Occupational Board Reform Act, and was indefinitely postponed. This would have required the Board to codify applications that would be disqualified due to criminal history.

LB742 provided for minutes to be kept in an electronic record under the Open Meetings Act. The bill was passed and approved by Governor April 18, 2022.

LB743 would change provisions relating to when closed sessions may be held under the Open Meetings Act. This bill was indefinitely postponed.

LB908 provides additional requirements for virtual conferencing under the Open Meetings Act. This bill was passed and approved by Governor on April 18, 2022.

LB753 was amended into LB 752, and requires health care practitioners to provide notification regarding stem cell therapy.

LB824 includes bathing as an activity of daily living for health care credentialing provisions. This bill was passed then signed by Governor on April 18, 2022.

LB885 would require implicit bias training for certain applicants and credential holders under the Uniform Credentialing Act. This bill was indefinitely postponed.

LB901 provides for cytomegalovirus public education and prevention. This bill was amended into LB741, which was passed and signed by the Governor on April 18, 2022.

LB963 was indefinitely postponed. This bill would adopt the Medical Ethics and Diversity Act.

7. LICENSURE AND EXECUTIVE ORDER 22-02

Covert-ByBee provided the Board with 3 executive orders (EO's) issued by Governor Ricketts for reference. Executive order 22-02 extends orders 21-12 and 21-15 through September 30, 2022. These orders were issued in response to a healthcare workforce shortage. Regarding Hearing Instruments Specialists, EO 21-12 allows for an applicant to receive a provisional license pending results of their licensure examination. If the applicant fails the exam, the provisional license is null and void. Additionally, there is a CE waiver available for circumstances outside the control of the individual, which prevents them from completing the CE requirements. The Department also will not be enforcing the limit on the number of hours completed by virtual methods in accordance with EO 21-12. Any requirements for direct supervision are temporarily deferred to allow supervisors to provide remote supervision if the supervisor determines that it is appropriate to do so.

8. UPDATE ON THE NEW LICENSURE DATABASE- LANCE

Covert-ByBee provided an update regarding LANCE. LANCE is a complex database which will allow licensees to create a profile, complete their application electronically, make fee payments via credit cards, print their own licenses, submit documentation, and view their application process through an online system. LANCE is nearly ready for user acceptance testing.

9. ELECTION OF OFFICERS

MOTION: After discussion, Pritchett moved, seconded by Robinson to elect Granger as Chairperson, Robinson as Vice-Chairperson, Pritchett as Investigative Consultant, and Lutt-Chmiel as Secretary. Voting aye: Granger, Lutt-Chmiel, Miller and Pritchett. Voting nay: None. Motion carried.

10. NOTICE OF MEETING PUBLICATION

Covert-ByBee advised that the Board is required to inform the public each year of the method by which it will provide notice of meetings. The current process for notification includes posting a physical notice outside the Licensure Unit at the NSOB 1st Floor, emailing the agenda to the Board, interested parties and stakeholders, as well as posting electronically on the Department website.

MOTION: After discussion, Lutt-Chmiel moved, seconded by Pritchett to continue with the current notification process. Voting aye: Granger, Lutt-Chmiel, Robinson, and Pritchett. Voting nay: None. Motion carried.

11. PER DIEM DISCUSSION

Covert-ByBee indicated that per statute, Board members may receive up to \$50.00 per diem while conducting Board business. In the past, this Board has voted to include one day for meeting preparation and one day for the actual Board meeting.

MOTION: Pritchett moved, seconded by Lutt-Chmiel, to continue with the current per diem. Voting aye: Granger, Lutt-Chmiel, Robinson and Pritchett. Voting nay: None. Motion carried.

12. CONVICTION REVIEW GUIDELINES

Covert-ByBee indicated that the Board annually has the opportunity to review the conviction review guidelines and determine if they want to make any changes. These guidelines are used to identify which applications the Board is interested in reviewing and how the Department processes applications. Previously, the Board identified that they only want to review applications where there is a conviction for fraud, DUI, or controlled substance abuse within the last 5 years, or if there is more than one conviction, more than 5 years ago.

MOTION: Robinson moved, seconded by Lutt-Chmiel, to continue with the current conviction review guidelines. Voting aye: Granger, Lutt-Chmiel, Robinson and Pritchett. Voting nay: None. Motion carried.

13. APPLICATION PROCESSING REPORT

Blinston presented the Licensure Application Processing Report. This was for informational purposes only. This report shows where the department is with application processing and the number of active licenses in Nebraska as of June 14, 2022. Lutt-Chmiel noted the number of active licenses has increased, and it is appreciated that the Department provides this information to the Board.

14. SET MEETING AND EXAM DATES FOR 2022

After discussion, the Board identified November 18, 2022 at 1:00 PM as the next meeting date and time.

15. TOPICS FOR NEXT MEETING

Suggested topics for the next meeting include HIS Practical Exam, any executive orders, update on the licensure database, the Application Processing Report (APR) and Meeting Dates for 2023.

*These minutes have been approved by the Board of Hearing Instrument Specialists via mail ballot
8.3.2022*

16. ADJOURNMENT

There being no further business, the meeting adjourned at 2:25 PM.

Respectfully submitted,

Misti Lutt-Chmiel, Secretary