

**NEBRASKA STATE BOARD OF HEALTH MEETING**  
**MINUTES – June 13, 2022**

**ATTENDANCE NOTIFICATION.** Dr. Timothy Tesmer, Chair, called a regular meeting of the State Board of Health to order at 1:03 PM on June 13, 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; Russell Crotty, OD; Diane Jackson, APRN; Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; Mark Patefield, PharmD; David Reese, MHA; Daniel Rosenthal, PE; Robert (Bud) Synhorst, Med; Timothy Tesmer, MD; Doug Vander Broek, DC; Dan Vehle. Quorum met.  
Staff and others in attendance: Monica Gissler, Ryan Burbach  
Board members not in attendance: Joshua Vest, DPM

**APPROVAL OF AGENDA AND MINUTES.** Dr. Tesmer asked if there were any changes to the agenda for the meeting today and the minutes from March 21, 2022. Dr. Kuehn made a motion to approve the agenda, seconded by Ms. Jackson; voting yes: 13 (Bauer, Crotty, Jackson, Kotopka, Kuehn, Ostdiek, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.

**UPDATES, REPORTS**

Dr. Gary Anthone, Chief Medical Officer, Division of Public Health presented. Covid was the major topic: when to expect a surge, who is and isn't getting vaccinated and/or boosted, and what the hospital occupancy rates are. He shared data on ventilators usage. The BA2 variant patients are needing fewer ventilators.

Legislation – Mr. Bryson Bartels shared an update on the Interim Studies, and the impact to DHHS. There are nine resolutions affecting Licensure and Health Care Professionals, and seven others for the Division of Public Health. Staff are working to implement the bills passed this session.

Epidemiology Update – Dr. Matt Donahue, State Epidemiologist, introduced himself and provided an overview of his education and recent professional history, including early work in setting up the process for receiving Covid positive passengers flying into Los Angeles in early 2020.

- Monkeypox. This disease has been around since the 1950s, and it looks a lot like smallpox. There are currently 49 cases in 17 states, with 1,100 cases worldwide and another 200 suspected cases. This is not going to be another pandemic situation, but they are currently working on getting a vaccine treatment in place for health care providers who are treating patients. No deaths have been reported so far, and there is only a 1-14% fatality rate.
- Childhood COVID vaccine recommendations. The FDA is expected this week to approve the vaccines for tender aged children under the age of five.

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.

Dr. Tesmer attended the Board of Medicine and Surgery meeting on March 25<sup>th</sup>.

Dr. Vander Broek attended the Board of Chiropractic meeting on April 6<sup>th</sup> via WebEx.

2. Sadly, we lost another member on the Board this month: Dr. Joel Bessmer has resigned due to workload conflicts.
3. Brenda Soto is the new DHHS Director of Emergency Preparedness and Response. Andrew Lowe, DHHS Director of the Office of Legislative Services, will be leaving for Pennsylvania in August.
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. Communication platform for Board member materials. Dropbox is no longer an option for the Board to share information through. Monica is looking at other options, including Citrex and Sharepoint.
6. At the September 19<sup>th</sup> meeting we will set the dates for the 2023 Board of Health meetings.

**Public Health, Education and Legislation Committee:** Dr. Kuehn, Committee Chair, reported. The Legislative session concluded on April 20, 2022. At the morning meeting, discussion continued about the most effective ways to interact with members of the Legislature, and about options in lieu of a legislative luncheon in January 2023.

In March, 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; members will be Bauer, Patefield, and Tesmer. There will be a second subgroup on Legislative Communication Strategies, made up of Ostdiek, Reese, and Synhorst. The third new subgroup will be on Child Covid Vaccines, and members will be Bauer, Kotopka, Tesmer, and Vander Broek.

**Credentialing Review (407) Committee** – Mr. Rosenthal, Committee Chair, presented. <https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

- Recommendations for the upcoming Anesthesiologist Assistant Technical Review Committee:
  - David Deemer, Nursing Home Administrator
  - Rebecca Doctor, BS, MA

- Mark Malesker, RP, PharmD
- Susan Meyerle, PhD, LIMHP
- Mary Sneckenberg, BA, Post-Secondary Education
- Larry Hardesty
- Alternates: Dr. Allison Dering-Anderson, RP, PharmD, and Linda Lazure, PhD, RN, FAAN.
- Dan Vehle volunteered to serve as Chair of the Technical Review Committee. Mr. Rosenthal made a committee motion to recommend those applicants to serve on the Anesthesiologist Assistant review: voting yes: 13 (Bauer, Crotty, Jackson, Kotopka, Kuehn, Ostdiek, Reese, Rosenthal, Synhorst, Tesmer, Vander Broek, Vehle); voting no: 0; not voting: 0. Motion carried.
- The first meeting for pharmacy technicians will be held June 28, 2022. Dr. Vander Broek will serve as Chair.
- The Optometrist Technical Review Committee met on April 7, 2022 and June 7, 2022, with Dan Rosenthal serving as Chair.
- Third meeting of the Applied Behavior Analysts technical review committee was held March 22, 2022, with David Reese serving as Chair.

2:23 PM – Dr. Ostdiek left the meeting.

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

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

- 172 NAC 95 Administration of Medications by Medication Aides & Medication Staff – Dan Taylor, Program Staff. governs the safe administration of medications by medication aides and medication staff under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-6718 to 71-6742. This chapter also provides direction to applicants regarding training and competency needed in order to be a Medication Aide and to provide safe provision of medication to individuals in Nebraska. The proposed changes update definitions; update terminology; set requirements for unlicensed individuals administering medications; remove all duplicate statutory, unnecessary, and inconsistent language from the regulations; update section headings and formatting; and restructure the regulatory chapter. The public hearing was held January 31, 2022.  
<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2527.pdf>
- 172 NAC 96 Medication Aide Registry – Dan Taylor, Program Staff. The proposed regulations define terms and requirements that allow for the establishment and maintenance of the Medication Aide Registry. This chapter also defines how Medication Aides qualify for placement on the Medication Aide Registry and what information must be submitted to the Department to demonstrate the applicant meets licensing requirements to be on the Registry. These requirements ensure that medication aides meet the minimum requirements to safely administer medications to individuals. The proposed regulation removes duplicative statutory language. Language was also changed from the requirement that the applicant needed to send certified copies of all charges, amended charges, pleas, sentencing and probation

orders for convictions to the Department and will now only require the applicant to send non-certified copies of all charges, amended charges, pleas, sentencing and probation orders for convictions. This will reduce the cost of the applicant making copies to meet the regulation. The public hearing was held February 1, 2022. <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2528.pdf>

- 172 NAC 108 Approval of Training Programs and Qualifications for Nursing Assistants in Nursing Homes – Dan Taylor, Program Staff. These regulations govern the qualifications and training requirements for nurse aides employed in nursing homes to help ensure safe care is provided to nursing home residents. They also set forth the requirements in order for a nurse aide to be active on a central data bank called the Nurse Aide Registry. These regulations are consistent with federal requirements. The proposed regulation removes all duplicative statutory language from the regulations and removes any repetitive regulatory language. The public hearing was held on February 14, 2022. <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2535.pdf>

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

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

**Professional Boards Committee.** Ms. Jackson, Committee Chair, reported. They conducted two interviews in the morning, and recommend the following appointments:

Board of Cosmetology

Kyoung Ah Bonn, from Omaha, as the Tanning Salon Owner

Public Member

Rafael Santa-Maria, from Omaha, for the Board of Cosmetology

Ms. Jackson made a Committee motion to approve the appointment and recommendations. Voting yes: 12 (Bauer, Crotty, Jackson, Kotopka, Kueh, Patefield, Reese, Rosenthal, Synhorst, Tesmer, 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>

**PUBLIC COMMENTS.** None.

**UNFINISHED BUSINESS.** None.

**NEW BUSINESS.**

**TOPICS AND PREPARATION FOR NEXT MEETING.** The next regular Board of Health

meeting will be September 19, 2022 in the Nebraska State Office Building in Lincoln.

**ADJOURN.** There being no further business, Dr. Kuehn made a motion to adjourn, with a second by Mr. Synhorst; all in favor by voice vote. The meeting adjourned at 3:06 PM. Minutes were taken by Monica Gissler, and are scheduled for approval by the State Board of Health on September 19, 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>*

6/23/22, mcg