

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

August 5, 2022

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Secretary Rachel Blake, MD, at 9:00 a.m. on August 5, 2022, at the Hampton Inn & Suites, 7343 Husker Circle, Lincoln, Nebraska 68504. The meeting was conducted In-Person and by WebEx. The following members answered the roll call:

Rachel Blake, MD, Secretary
Maria Michaelis, MD – joined at 9:06 a.m.
John Massey, MD - via WebEx
Mark Goodman, MD
Adam Kuenning
Jeffrey Howorth

Absent: Jodanne Hedrick, DO, Chairperson
Brian Keegan, MD, Vice-Chairperson

A quorum was present and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gadenken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; T. J. O'Neill, Assistant Attorney General; Mark Meyerson, Trevor Klaasen, Kathleen Krueger, Jeff Newman, Carla Cue and Susan Held Investigators with the Investigation Unit; Suzanna Glover-Ettrich, Department Attorney via WebEx and Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations via WebEx.

Dr. Blake announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

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 22, 2022 and revision posted on August 2, 2022.

REVIEW OF AGENDA

Kuenning moved, seconded by Goodman to approve adoption of the agenda with the Chair having the authority to rearrange agenda items as needed. Voting aye: Blake, Goodman, Howorth, Kuenning and Massey. Voting nay: None. Absent: Hedrick, Keegan, Michaelis. Abstain: None. Motion carried.

Additions, Modification, Reordering

The Board requested the following applications to be removed from the Application Review Consent Agenda:

Austin, Michael, DO – Reinstatement Application
Duffy, Walter, Jr., MD – Requesting Waiver for the four (4) PA Supervision Requirement
Fraser, Jeffrey, MD – Reinstatement after Discipline Requesting Early Release from Probation
Johnson, Rajitha, MBBS – Reentry License

Kuenning moved, seconded by Howorth to approve adoption of the Pharmaceutical Care Agreements Consent Agenda. Voting aye: Blake, Goodman, Howorth, Kuenning and Massey. Voting nay: None. Absent: Hedrick, Keegan, Michaelis. Abstain: None. Motion carried.

Dr. Michaelis joined the meeting at 9:06 a.m.

PUBLIC PRESENTATION

Dr. Jeffrey Fraser was present at the meeting. Dr. Fraser addressed the Board regarding his Reinstatement after Discipline Physician Application requesting early release from probation that has been submitted for Board review.

2022 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President, and Paul Henderson with the NMA (Nebraska Medical Association) were present to discuss and provide updates to the Board.

Updates on the 407 Credentialing Reviews for scope of practice expansions:

- **Nebraska Optometric Association**
A meeting was held on July 27, 2022 and the next scheduled meeting is set for September 9, 2027. Massey moved, seconded by Goodman to submit a letter of opposition stating the opinion of the Board of Medicine and Surgery regarding the Optometry credentialing review (407). Voting aye: Blake, Goodman, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Hedrick and Keegan. Abstain: None. Motion carried.
To see updates go to:
[https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Optometry.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Optometry.aspx)
- **Pharmacy Technician**
A meeting is scheduled for August 17, 2022. To see updates go to:
[https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Pharmacy-Technician.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Pharmacy-Technician.aspx)
- **Anesthesiologist Assistant**
A meeting is scheduled for August 25, 2022. To see updates go to:
[https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Anesthesiologist-Assistant.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Anesthesiologist-Assistant.aspx)

The NMA is involved with continuing efforts concerning the Hospital Medical Liability Fund.

The NMA Annual Membership Meeting is scheduled for August 19, 2022 in Omaha, NE

REGULATIONS UPDATE

The Surgical First Assistant Regulations, Title 172 Chapter 87 are published effective July 10, 2022. To view the Regulations go to:

https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-087.pdf

APPROVAL OF MINUTES OF THE MEETING

Goodman moved, seconded by Howorth to approve the minutes for June 24, 2022 as presented. Voting aye: Blake, Goodman, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Hedrick and Keegan. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Goodman moved, seconded by Howorth, to go into closed session at 9:41 a.m. for the purpose of review and discussion of investigative reports, disciplinary reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Blake, Goodman, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Hedrick and Keegan. Abstain: None. Motion carried.

Board Break 9:41 a.m.
Board Reconvened 9:48 a.m.

The Board members returned to open session at 12:11 p.m.

Dr. Massey left the meeting at 12:11 p.m.

Board Break 12:11 p.m.
Board Reconvened 12:18 p.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician and Osteopathic Physician Reinstatement Application(s) (1)

AUSTIN, MICHAEL, DO – application for Reinstatement of his license to practice medicine and surgery. Goodman moved, seconded by Howorth, to recommend approval for reinstatement of the application to practice medicine and surgery. Voting aye: Blake, Goodman, Howorth, Kuenning and Michaelis. Voting nay: None. Absent: Hedrick, Keegan and Massey. Abstain: None. Motion carried.

Request for Waiver of the Four (4) PA Supervision Requirement Application(s) (1)

DUFFY, WALTER J., MD – application for Waiver of the four (4) PA Supervision Requirement for the practice of medicine and surgery. Kuenning moved, seconded by Goodman to deny the waiver request to add 4 additional PA's for supervision. Basis for the denial is: 1) Lack of good cause and 2) The general level of patient problem complexity. Voting aye: Blake, Goodman, Howorth, Kuenning and Michaelis. Voting nay: None. Absent: Hedrick, Keegan and Massey. Abstain: None. Motion carried.

Physician and Osteopathic Physician Reinstatement after Discipline Application(s) (1)

FRASER, JEFFREY, MD – application for Reinstatement after Discipline, requesting early release from probation on the license to practice medicine and surgery. Kuenning moved, seconded by Howorth to recommend denial of the request for early release from probation on the license. Basis for the denial is that there is insufficient evidence to change the original agreed upon probationary period that was set forth in the Agreed Settlement dated July 25, 2019. Voting aye: Blake, Goodman, Howorth, Kuenning and Michaelis. Voting nay: None. Absent: Hedrick, Keegan and Massey. Abstain: None. Motion carried.

Physician and Osteopathic Physician Reentry Application(s) (1)

JOHNSON, RAJITHA, MBBS – application for approval of the proposed reentry program plan and the proposed practice monitor. Goodman moved, seconded by Howorth to recommend approval of the reentry program plan and the practice monitor. Voting aye: Blake, Goodman, Howorth, Kuenning and Michaelis. Voting nay: None. Absent: Hedrick, Keegan and Massey. Abstain: None. Motion carried.

Email Ballot(s) since the last meeting (1)

JABAK, SUHA, MD – application for Initial license to practice medicine and surgery. The Board recommended approval and the Department approved the recommendation to issue the license to practice medicine and surgery.

BOARD MEETING SCHEDULE

The Board of Medicine and Surgery meeting that was scheduled for September 16, 2022 has been cancelled. The next meeting is scheduled for October 21, 2022 in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule, visit the DHHS website:

<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Blake, Secretary acting as Chairperson adjourned the meeting at 12:22 p.m.

Respectfully submitted,

signature available upon request

Rachel Blake, MD, Secretary
Board of Medicine and Surgery