

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES December 8, 2023

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Brian Keegan, MD, at 9:02 a.m. on December 8, 2023, 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:

Brian Keegan, MD, Chairperson
Rachel Blake, MD, Vice-Chairperson
Adam Kuenning, JD, LLM, Secretary
Mark Goodman, MD
Jodanne Hedrick, DO
Jeffrey Howorth
John Massey, MD via WebEx
Wesley Zeger, DO

Absent: None

A quorum was present, and the meeting convened.

The Board and the Department WELCOME the newest Member to the Board of Medicine and Surgery, Wesley Zeger, DO, FACEP. Dr. Zeger will replace outgoing member, Maria Michaelis, MD.

The Board and the Department want to THANK Dr. Michaelis on behalf of the citizens of the State of Nebraska for her time, expertise, and dedication during her term on the Board.

Also present to participate in the meeting: Vonda Apking, Program Manager, and Jan Gaden-Harris, Health Licensing Coordinator, with the Licensure Unit; T. J. O'Neill, Assistant Attorney General; Kathleen Krueger, Brittany Bigham, Trevor Klaassen and Mark Meyerson, Investigators with the Investigation Unit; Danielle Sund, Department Attorney, Suzanna Glover-Etrich, Department Attorney via WebEx and Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations.

Dr. Keegan 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 November 17, 2023 and revision posted December 1, 2023.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

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

Chau, Patrick, MD – Initial Application
Rao, Malini, MBBS – Initial Application
Maxwell, Marius, MD – Reinstatement Application
Cunard, Robert, MD – Reinstatement after Discipline, Requesting Removal of Limitation.

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

2023 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President and Paul Henderson, Vice President, Advocacy & Regulation; In-house Counsel with the NMA (Nebraska Medical Association) were present to discuss and provide updates to the Board.

The 108th Legislature, Second Session convenes January 3, 2024. To see recent Legislative information and the 2024 Legislative Session Calendar go to: <https://nebraskalegislature.gov/>

There is only one active 407 Credentialing Review, which is for the Hearing Care Professionals. To see information on that review and the recently completed 407 Reviews go to: <https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

REGULATIONS UPDATE

Vonda Apking is checking to see what Medicine and Surgery Regulations are currently requiring updates.

APPROVAL OF MINUTES OF THE MEETING

Kuenning moved, seconded by Goodman to approve the minutes for October 20, 2023, as presented. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning and Massey. Voting nay: None. Absent: None. Abstain: Zeger. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Blake moved, seconded by Goodman, to go into closed session at 9:15 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, Hedrick, Howorth, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Goodman Recused himself at 9:33 a.m.
Goodman Returned at 9:36 a.m.

Kuenning Recused himself at 10:13 a.m.
Kuenning Returned at 10:15 a.m.

Zeger Recused himself at 10:26 a.m.
Zeger Returned at 10:33 a.m.

Board Break 10:33 a.m.
Board Reconvened 10:43 a.m.

Dr. Zeger Recused himself at 11:13 a.m.
Dr. Zeger Returned at 11:14 a.m.

The Board members returned to Open Session at 11:26 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician and Osteopathic Physician Initial Application(s) (2)

CHAU, PATRICK, MD – application for Initial license to practice medicine and surgery. Kuenning moved, seconded by Goodman, to recommend approval of the application for initial license to practice medicine and surgery with a 2 (two) year probationary period. The basis for the probationary period is prior disciplinary action in other states. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

RAO, MALINI, MBBS – application for Initial license to practice medicine and surgery. Goodman moved, seconded by Howorth, to recommend denial of the application for initial license to practice medicine and surgery. Basis for the denial is disciplinary action in other states and lack of good character. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

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

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

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

CUNARD, ROBERT, MD – application for Reinstatement after Discipline, requesting removal of the limitation on the license to practice medicine and surgery. Kuenning moved, seconded by Hedrick to recommend denial of the request for removal of the limitation on the license. Basis for the denial is that there is insufficient evidence submitted to change the original agreed upon limitation that was set forth in the notification dated, October 3, 2019. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

BOARD DISCUSSION(S)

A. Composition of a Board of Medicine and Surgery Newsletter.

Vonda Apking shared the draft of the newsletter for the first edition of the newsletter. There were a couple of edits suggested and Vonda will make those adjustments and send the final draft to the Board via an Email Ballot. The Board approved draft will then be presented to the DHHS Legal Department prior to publishing.

BOARD MEETING SCHEDULE

The next meeting is scheduled for January 12, 2024, in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule for the 2024 schedule, visit the DHHS website: <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Keegan, Chairperson adjourned the meeting at 11:40 a.m.

Respectfully submitted,

signature available upon request

Adam Kuenning, JD, LLM, Secretary
Board of Medicine and Surgery