

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

January 24, 2020

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Todd W. Stull, MD, at 9:00 a.m. on January 24, 2020, in the Staybridge Room, Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The following members answered the roll call:

Todd Stull, MD, Chairperson
John Massey, MD, Vice-Chairperson
Maria Michaelis, MD, Secretary
Mark Goodman, MD
Jeffrey Howorth
Jodanne Hedrick, DO

Absent: Brian Keegan, MD

A quorum was present and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gadeken-Harris, Health Licensing Coordinator, Licensure Unit; Milissa Johnson-Wiles, Assistant Attorney General; Mark Meyerson, Kathleen Krueger, Carla Cue and Mendy Mahar-Clark, Investigators with the Investigation Unit.

Dr. Stull 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.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Levine, Richard, MD – Initial Physician application
Jean, Nathalie, MD – Physician Reinstatement Application

Adoption of Consent Agenda

Howorth moved, seconded by Goodman, to approve the consent agenda as amended. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

DEPARTMENT UPDATES

Cushman informed the Board that the Application for a License to Practice Medicine has been revised. Several bills were passed in 2019 with the operative date of January 1, 2020. The revised application is now compliant. The application is available on the DHHS website.

<http://dhhs.ne.gov/licensure/Documents/FullMedicalApplication.pdf>

Other credentials that are under the Statutes Relating to Medicine and Surgery Practice Act that have had the applications revised and are now compliant are:

- Temporary Educational Permit
- Physician Assistant
- Acupuncture
- Perfusion
- Genetic Counseling

The applications are available on the DHHS website. <http://dhhs.ne.gov/licensure/Pages/Professions-and-Occupations.aspx>

2020 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President with the NMA (Nebraska Medical Association) was present to discuss the 106th Legislature, 2nd Session. Approximately 500 Bills were introduced and the NMA will be tracking approximately 100 of those. The following is a list of some of the legislative bills that will be followed by the Medicine and Surgery Board:

- LB772 - Change the scope of practice for physician assistants
Current Status: Notice of Hearing for January 24, 2020
To learn more about LB772, please visit:
<https://www.nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB772.pdf>
- LB783 - Change the definition of ambulatory surgical center
Current Status: Referred to Health and Human Services Committee January 10, 2020
To learn more about LB783, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB783.pdf>
- LB817- Adopt the Prescribing Psychologist Practice Act
Current Status: Notice of hearing for January 24, 2020
To learn more about LB817, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB817.pdf>
- LB828 - Change provisions relating to the scope of practice of a licensed optometrist
Current Status: Notice of hearing for January 23, 2020
To learn more about LB828, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB828.pdf>
- LB886 - Prohibit certain acts by health insurers and network providers and list a deceptive trade practice
Current Status: Notice of hearing for February 4, 2020
To learn more about LB886, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB886.pdf>
- LB887 - Authorize pharmacists to adapt prescriptions to aid consumers
Current Status: Notice of hearing for January 30, 2020
To learn more about LB887, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB887.pdf>
- LB922 - Require electronic issuance of prescriptions for controlled substances as prescribed
Current Status: Notice of hearing for January 30, 2020
To learn more about LB922, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB922.pdf>
- LB946 - Change the sales tax rate and impose sales tax on additional services
Current Status: Referred to Revenue Committee
To learn more about LB946, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB946.pdf>

LB949 - Limit the amount an insured individual pays for prescription insulin drugs
Current Status: Notice of hearing for February 18, 2020
To learn more about LB949, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB949.pdf>

LB970 - Limit the amount an insured individual pays for prescription insulin drugs
Current Status: Notice of hearing for February 18, 2020
To learn more about LB970, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB970.pdf>

LB997 - Adopt the Out-of-Network Emergency Medical Care Act
Current Status: Notice of hearing for February 11, 2020
To learn more about LB997, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB997.pdf>

LB1011 - Require certain hospitals to accept reimbursement from the Medicare program
Current Status: Referred to Health and Human Services Committee January 21, 2020
To learn more about LB783, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1011.pdf>

LB1036 - Allow persons eighteen years of age to make health care decisions and persons under nineteen years of age in correctional facilities to consent to medical and mental health care
Current Status: Notice of hearing for January 31, 2020
To learn more about LB1036, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1036.pdf>

LB1058 - Adopt the Population Health Information Act
Current Status: Referred to Health and Human Services Committee January 24, 2020
To learn more about LB1058, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1058.pdf>

LB1065 - Change provisions regarding pharmacies, pharmacists, and pharmacy personnel
Current Status: Referred to Health and Human Services Committee January 24, 2020
To learn more about LB1058, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1065.pdf>

LB1133 - Increase caps on medical malpractice liability
Current Status: Notice of hearing for February 19, 2020
To learn more about LB1133, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1133.pdf>

REGULATIONS UPDATE

No updates at this time.

APPROVAL OF MINUTES OF THE MEETING

Goodman moved, seconded by Howorth to approve the minutes for December 6, 2019 as presented. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Hedrick moved, seconded by Michaelis, to go into closed session at 10:21 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: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

Goodman recused himself from the meeting at 10:22 a.m.
Goodman returned to the meeting at 10:30 a.m.

Massey moved, seconded by Howorth, to open the session at 11:05 p.m. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician and Osteopathic Physician Initial Application(s) (0) – CONSENT

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

LEVINE, RICHARD, MD - application for a license to practice medicine and surgery. Howorth moved, seconded by Massey, to recommend issuance of a license. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

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

JEAN, NATHALIE, MD - application for a reinstatement license to practice medicine and surgery. Goodman moved, seconded by Howorth, to recommend issuance of a reinstatement license. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

PHARMACEUTICAL CARE AGREEMENT(S) (15) – CONSENT

NEBRASKA PHYSICIAN HEALTH/WELLNESS PROGRAM

Dr. Stull is serving as Interim Medical Director of a working committee that is developing a Physician Wellness Program for Nebraska which is modeled after the “LifeBridge Physician Wellness Program”. Nebraska is one of only a few states that do not currently offer a Physician Wellness Program to address the issues of physician burnout and stress. Dr. Stull wanted to bring awareness to the Board of the program that has a proposed launch date for the summer of 2020 and is encouraging physician input. The development of the wellness program has the full support of the NMA. The wellness program will have two tiers. “Phase I” will focus on early intervention/preventative issues and will offer consultations with trained “Physician Coaches”. “Phase II” will focus on more serious issues. The program will have an anonymous feedback mechanism, it will be confidential, where the intent is for non-reportable issues and offer a call-in center/triage center to match the physician who is reaching out with a trained “Physician Coach”. The Board understands and recognizes that a key component of protecting the health and safety of Nebraskans is also programs like this that support the health and well-being of the physicians licensed in this state.

FYI (S)

- A. FSMB – 2020 Annual Meeting April 30-May 2, 2020 at the Manchester Grand Hyatt in San Diego, CA. Dr. Keegan and Dr. Stull have both expressed interest in attending the meeting to represent the Board as the Voting Delegate and Alternate Delegate. Dr. Massey is on a FSMB working Committee and will also be attending the meeting representing the FSMB (Federation of State Medical Boards).
- B. FSMB – CME program updates – the Board has no comments at this time.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Gadeken-Harris explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas on the Bulletin Board at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department's website. Massey moved, seconded by Goodman, to continue the same method that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department's website. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

DISCUSSION REGARDING PER DIEM AND TIME FRAME FOR PREPARATION OF AGENDA ITEM DOCUMENTS

Cushman explained the process of paying per diems for certain activities of the Board and the time frame of preparing agenda items for the Board to review. The agenda is normally made available to the Board members and public at least 10 days prior to the meeting date.

Massey moved, seconded by Howorth, to have the Department continue paying per diems as currently effective which is \$50 per diem for one preparation day and one meeting day, and any travel days. Also included are days spent at non-board meetings where the individual is representing the Nebraska Board of Medicine and Surgery, as well as any travel days associated with those meetings. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

ELECTION OF OFFICERS

Goodman moved, seconded by Howorth to elect new officers as follows:

Chairperson: John R. Massey, MD

Vice-Chairperson: Maria Michaelis, MD

Secretary: Jodanne W. Hedrick, DO

Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

ADJOURNMENT

There being no further business, Howorth moved, seconded by Hedrick to adjourn the meeting at 11:20 a.m. Voting aye: Goodman, Hedrick, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Keegan. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

Maria Michaelis, MD, Secretary
Board of Medicine and Surgery