

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

January 25, 2019

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Mark Goodman, MD, at 9:00 a.m. on January 25, 2019, in the Staybridge Room, Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The following members answered the roll call:

Mark Goodman, MD, Chairperson
Todd Stull, MD, Vice-Chairperson
John Massey, MD, Secretary
Michael Bittles, MD
Merle Henkenius
Maria Michaelis, MD
Jodanne Hedrick, DO

Absent:
Jeffrey Howorth

A quorum was present and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gaden-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Kathleen Krueger, Mark Meyerson, Jeff Newman, Investigators with the Investigation Unit, Anna Harrison, Compliance Monitor, from Licensing and Investigations.

Dr. Goodman 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

Bittles moved, seconded by Michaelis to approve adoption of the agenda. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

APPROVAL OF MINUTES OF THE MEETING

Hedrick moved, seconded by Henkenius to approve the minutes for December 07, 2018 as presented. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

Bittles moved, seconded by Stull, to continue to utilize the three current methods to give public notice of Board of Medicine and Surgery meetings. The current methods are to post the agenda on the Department public bulletin board, on the Department website, and to e-mail the agenda to all interested parties. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Bittles moved, seconded by Hedrick, to go into closed session at 9:03 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: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Goodman recused himself from the meeting at 9:45 a.m.
Goodman returned to the meeting at 9:50 a.m.

Goodman recused himself from the meeting at 10:54 a.m.
Goodman returned to the meeting at 11:06 a.m.

Stull moved, seconded by Bittles, to open the session at 11:19 a.m. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Board recessed for a Break at 11:19 a.m.
Board returned at 11:35 a.m.

APPLICATION REVIEW – OPEN SESSION

Physician and Osteopathic Physician Initial Application(s)

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

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

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

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

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

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

KANTOR, WILLIAM NEAL, MD – application for a license to practice medicine and surgery. Stull moved, seconded by Michaelis, to recommend issuance of a license. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

LAWTON, RICHARD LAWRENCE, MD - application for a license to practice medicine and surgery. Bittles moved, seconded by Stull, to recommend issuance of a license with a two (2) year Probation. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

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

RODRIGUEZ, IV, FRANCISCO BERNARDO, MD - application for a license to practice medicine and surgery. Bittles moved, seconded by Michaelis, to recommend issuance of a license. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

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

Physician Assistant Application(s)

ACKMAN, VALERIE, PA - application for a license to practice medicine and surgery as a Physician Assistant. Stull moved, seconded by Massey, to recommend issuance of a Physician Assistant license. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

SEARS, NICOLE MARIE, PA - application for a license to practice medicine and surgery as a Physician Assistant. Massey moved, seconded by Henkenius, to recommend issuance of a Physician Assistant license. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Physician Assistant Reinstatement after Voluntary Surrender Application(s)

KUDRON, CHRISTOPHER SCOTT, PA - application for reinstatement after voluntary surrender of license. Bittles moved, seconded by Stull, to recommend reinstatement of physician assistant license with a five (5) year probation. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

E-Mail Ballot(s) Since the Last Meeting

Since their last meeting, the Board voted via e-mail ballots to issue a reinstatement after reentry license and removal of limitations, probationary and reentry terms, for license to practice medicine and surgery to Organ, Paul Gerard, MD on December 31, 2018.

The Board also voted to table the discussion regarding the approval for a UNMC Transplantation Surgery Program that is not ACGME accredited. The Board wants more information as to the Statutes and Regulations that require the Board's approval.

Massey left the meeting at 11:50 a.m.

DISCUSSION – Delegation for Unlicensed Personnel

Discussion on Unlicensed personnel delegation was tabled from the December 07, 2018 meeting. Ann Oertwich and Kathy Hoebelheinrich with the DHHS Nursing and Nursing Support Department were present for discussion with the Board. **Delegation** means the transference from one individual to another individual the authority, responsibility, and accountability to perform nursing interventions. **Only the RN can delegate nursing interventions to an unlicensed person.** The RN retains full accountability for the appropriate delegation and outcome of a particular nursing task (172 NAC 99-002). **Delegated by a Registered Nurse** means the transference from an RN to an unlicensed person the authority, responsibility, and accountability to provide **selected non-complex nursing interventions** on behalf of the RN (172 NAC 99-002). NAC 172 Chapter 99 outlines the delegation process as consisting of four broad steps: 1) Assessing client/patient(s) and resources; 2) Developing a delegation plan; 3) Implementing the delegation plan by providing direction and supervision; and 4) Evaluating the delegation plan. The RN must assess a client/patient's individual health status (or those of a group of patients) to determine the patient or patients appropriate for delegation of care tasks. Questions to think

about include: is the patient stable (chronic) or complex with rapidly changing needs? How much self-care can the patient provide vs. direct care needs? Which patient(s) should be managed only by a licensed nurse? The RN then analyzes the data and identifies collective care needs, priorities and resources available to deliver care. The four things which can never be delegated are assessment, planning, evaluation and nursing judgment. In summary, most delegation plans are not in print, but second nature to the RN in practice.

PHARMACEUTICAL CARE AGREEMENTS

There were no comments or concerns by board members on the pharmaceutical care agreements for review at this meeting.

FYI (s)

A. FDA – Required REMS (Risk Evaluation & Mitigation Strategy for Serious Drug Risks) Newsletter:
The Board had no comments regarding the Newsletter.

B. PDMP (Prescription Drug Monitoring Program) Opioid Continuing Competency (CE) Requirement Update:
Jesse Cushman informed the Board of what the Department's procedures will be to monitor compliance with *Statute LB 731 38-145 (6)* during the 2020 Physician renewal period. There will be a CE Attestation section on the renewal application that will ask the applicant to attest:

- 1) Do you prescribe controlled substances? Yes or No
- 2) If Yes, have you met the three (3) hour continuing competency requirement outlined in *LB 731*?

At the conclusion of the renewal period there will be a CE Random Audit performed. If the licensee is selected for the random audit they would be required to submit proof of continuing competency.

C. ADA (American Disability Act) Compliancy Update:

At the December 07, 2018 meeting discussion was held regarding the compliant questions on Section I, Section II of the Physician license application, Section E, Section II of the Physician Locum Tenens application and Section F, Section II of the Temporary Education Permit application. The Department is in consideration of revising the wording on the (4) questions in those sections to make them compliant with the ADA (American Disability Act). The Board reviewed the proposed revisions that the Department presented and voted to accept the suggested revisions. Jesse Cushman informed the Board that the Department has approved the Board's recommendation and that the applications will be updated to comply with the ADA.

ELECTION OF OFFICERS

Stull moved, seconded by Bittles to elect new officers as follows:

Chairman: Todd W. Stull, MD

Vice-Chairman: John R. Massey, MD

Secretary: Maria Michaelis, MD

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

BOARD MEETING DATES FOR 2019

The next Board meeting is scheduled for March 08, 2019. Additional Board meeting dates are listed on the DHHS Licensure Unit website.

<http://dhhs.ne.gov/publichealth/pages/crlBoardAgendasMinutes.aspx#Medicine and Surgery>

ADJOURNMENT

There being no further business, Stull moved, seconded by Bittles to adjourn the meeting at 12:28 p.m. Voting aye: Bittles, Goodman, Hedrick, Henkenius, Michaelis and Stull. Voting nay: none. Absent: Howorth and Massey. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

John Massey, MD, Secretary
Board of Medicine and Surgery