

## **NEBRASKA BOARD OF MEDICINE AND SURGERY**

### **MEETING MINUTES**

**January 26, 2018**

#### **ROLL CALL**

The meeting of the Board of Medicine and Surgery was called to order by Chairman, Carl Smith, MD, at 9:00 a.m. on January 26, 2018, in the Light House Room, Country Inn & Suites, 5353 N 27th, Lincoln, Nebraska. The following members answered the roll call:

Carl Smith, MD, Chairman  
Todd Stull, MD, Secretary  
Michael Bittles, MD  
John Massey, MD  
Merle Henkenius  
Jeffrey Howorth

Absent: Judith Scott, DO  
Mark Goodman, MD, Vice-Chair

A quorum was present and the meeting convened.

Also present to participate in the meeting: Kathie Lueke, Program Manager, Vonda Apking, Health Licensing Coordinator, Jan Gadeken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Jeff Newman, Investigator; Mike Meyerson, Investigator; Carla Cue, Investigator, Kathleen Krueger, Investigator, from Investigations.

#### **REVIEW OF AGENDA**

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

#### **APPROVAL OF MINUTES OF THE MEETING**

Howorth moved, seconded by Stull to approve the minutes for December 1, 2017, as presented. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. 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, Henkenius, Howorth, Massey, Smith and Stull. Voting nay: none. Absent: Goodman and Scott. Motion carried.

#### **INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW**

Bittles moved, seconded by Howorth, 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, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

Lester recused herself from the meeting at 9:55 a.m.  
Lester returned to the meeting at 9:59 a.m.

Howorth recused himself from the meeting at 9:58 a.m.  
Howorth returned to the meeting at 10:00 a.m.

Lester recused herself from the meeting at 10:22 a.m.  
Lester returned to the meeting at 10:24 a.m.

Howorth moved, seconded by Stull, to open the session at 10:26 a.m. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

## **APPLICATION REVIEW**

### **Physician and Osteopathic Physician Initial Application(s)**

CURTIS, ALAN - application for a license to practice medicine and surgery. Howorth moved, seconded by Bittles, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

MESTROVICH, JANE - application for a license to practice medicine and surgery. Bittles moved, seconded by Stull, to recommend to deny the Osteopathic application for Jane Mestrovich. The basis for the denial is that she has not successfully completed one year of post-graduate medical education due to current academic probation. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

CARTAGENA-HERNANDEZ, BENIGNO - application for a license to practice medicine and surgery. Howorth moved, seconded by Bittles, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

DA COSTA, GASTON - application for a license to practice medicine and surgery. Stull moved, seconded by Bittles, to recommend issuance of license. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

KOHLER, NANCY - application for a license to practice medicine and surgery. Howorth moved, seconded by Massey, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

MEDBERY, CLINTON - application for a license to practice medicine and surgery. Bittles moved, seconded by Stull, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Massey, Smith, and Stull. Abstain: Howorth. Voting nay: none. Absent: Scott and Goodman. Motion carried.

POWELL, DOUGLAS - application for a license to practice medicine and surgery. Howorth moved, seconded by Stull, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

NGUYEN, TUAN - application for a license to practice medicine and surgery. Massey moved, seconded by Stull, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

### **Physician and Osteopathic Physician Reinstatement Application(s)**

GRAY, SCOTT - application for reinstatement of a Physician License. Bittles moved, seconded by Howorth, to reinstate Dr. Gray's physician license. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Abstain: none. Voting nay: none. Absent: Goodman and Scott. Motion carried.

### Physician Assistant(s) Application(s)

ZOTOGLO, KOSSI - application for a license to practice as a Physician Assistant. Bittles moved, seconded by Howorth, to recommend issuance of a physician assistant license. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Abstain: none. Voting nay: none. Absent: Goodman and Scott. Motion carried.

### PHARMACEUTICAL CARE AGREEMENT(S)

The board had no comments or concerns with the agreements presented.

### UPDATES

Kathie Lueke, Program Manager for DHHS provided updates regarding:

IMLC – There were nineteen licenses issued by Nebraska through the Interstate Medical Licensure Compact from the operative date in August to December, 2017.

Military Waiver for licensure renewal fees – This project is still in place and currently awaiting technical set up to allow online waiver of the renewal fee for those meeting the requirements for military waiver.

### 2018 LEGISLATIVE BILLS

Dale Mahlman, Executive Director, Nebraska Medical Association, presented the Board with the different Bills that are before the Legislature, 105<sup>th</sup> Session (2018).

The NMA supports:

LB703  
LB704  
LB127

NMA Summary of 2018 Legislation related to opiates:

LB788 – an amendment was offered during the Committee hearing on January 18, 2018 to reduce the PDMP requirement. The NMA testified in support.

LB931  
LB933  
LB934

### FEDERATION OF STATE MEDICAL BOARDS

The 2018 Annual Meeting is scheduled for April 26-28, 2018. The Board members have been asked to notify either Jan or Kathie if they are interested in attending.

### ELECTION OF OFFICERS

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

Chairman: Mark D. Goodman, MD

Vice-Chairman: Todd W. Stull, MD

Secretary: John R. Massey, MD

Voting aye: Bittles, Henkenius, Howorth, Massey, Smith and Stull. Voting nay: none. Absent: Goodman and Scott. Motion carried.

### ADJOURNMENT

There being no further business, Bittles moved, seconded by Stull, to adjourn the meeting at 11:17 a.m. Voting aye: Bittles, Henkenius, Howorth, Massey, Smith, and Stull. Voting nay: none. Absent: Scott and Goodman. Motion carried.

Respectfully submitted,

\*signature available upon request\*

Todd Stull, MD, Secretary  
Board of Medicine and Surgery