

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

February 21, 2020

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, John R. Massey, MD, at 9:05 a.m. on February 21, 2020, in the Staybridge Room, Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The following members answered the roll call:

John Massey, MD, Chairperson
Maria Michaelis, MD, Vice-Chairperson
Mark Goodman, MD
Todd Stull, MD
Brian Keegan, MD

Absent: Jeffrey Howorth
Jodanne Hedrick, DO, Secretary

Public Member Position: Vacant

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; Mindy Lester, Assistant Attorney General; Mark Meyerson, Kathleen Krueger, and Jeff Newman, Investigators with the Investigation Unit and Anna Harrison, Compliance Monitor, from Licensing and Investigations.

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

Additions, Modification, Reordering

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

Al-Kahlout, Omar, MD – Initial Physician application
Martin, Mary, MD – Initial Physician application
St. Martin, Dacelin, MD – Initial Physician application
Hinnens Tiojanco, Cheryl, MD – Physician Reinstatement after Discipline Requesting Early Release from Probation application
Omar, Mark, MD - Physician Reinstatement after Discipline Requesting Removal of Limitations application
Simpson, Rebecca, PA – Reinstatement application

2020 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President and Dexter Schrodt, JD, VP Advocacy & Regulation, In-House Counsel with the NMA (Nebraska Medical Association) were present to discuss the 106th Legislature, 2nd Session and to provide updates on several of the legislative bills. The following is a list of some of the legislative bills that are being 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: Notice of hearing for February 20, 2020, Priority bill by Lowe
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: AM2416 filed on February 12, 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>
- LB838 - Provide an exemption from licensure under the Medicine and Surgery Practice Act
Current Status: Notice of hearing for February 26, 2020
To learn more about LB838, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB838.pdf>
- LB886 - Prohibit certain acts by health insurers and network providers and list a deceptive trade practice
Current Status: Placed on General File with AM2276 and BCI filed AM2276 on February 13, 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: Notice of hearing for February 26, 2020
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: AM2292 filed February 10, 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: February 18, 2020 - Placed on General File with AM2431 and BCI filed AM2431;
February 20, 2020 - BCI adopted AM2431 and Advanced to Initial Enrollment & Review; February 21,
2020 – Placed on Select File with ER173 and Enrollment & Review ER173 filed.
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: Notice of hearing for February 20, 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: Notice of hearing for February 13, 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: Notice of hearing for February 27, 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 Michaelis to approve the minutes for January 24, 2020 as presented. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Goodman moved, seconded by Michaelis, to go into closed session at 9:23 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, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

Michaelis recused herself from the meeting at 10:19 a.m.
Michaelis returned to the meeting at 10:26 a.m.

Board Break at 10:50 a.m.
Board Returned at 11:00 a.m.

Stull moved, seconded by Michaelis, to open the session at 11:21 a.m. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

Michaelis moved, seconded by Stull, to go back into closed session at 11:22 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, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

Michaelis moved, seconded by Goodman, to open the session at 11:29 a.m. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. 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) (3)

AL-KAHLOUT, OMAR, MD - application for a license to practice medicine and surgery. Goodman moved, seconded by Stull, to recommend denial of a license. Denial was based on failure to meet licensure requirements. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

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

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

Physician and Osteopathic Physician Reinstatement after Discipline Application(s) (0) - CONSENT

Physician and Osteopathic Physician Reinstatement after Discipline Application(s) (2)

HINNERS TIOJANCO, CHERYL, MD - application for a reinstatement after discipline, requesting early release from probation license to practice medicine and surgery. Goodman moved, seconded by Michaelis, to recommend denial of a reinstatement after discipline, requesting early release from probation license to practice medicine and surgery. Denial was based on insignificant evidence to change the original probationary period. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

OMAR, MARK, MD - application for a reinstatement after discipline, requesting removal of limitations of the license to practice medicine and surgery. Goodman moved, seconded by Keegan, to recommend denial of a reinstatement after discipline, requesting removal of limitations of the license to practice medicine and surgery. Denial was based on insignificant evidence to support removal of the limitations. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

Physician Assistant Reinstatement Application(s) (0) - CONSENT

Physician Assistant Reinstatement Application(s) (1)

SIMPSON, REBECCA, PA - application for a reinstatement license to practice medicine and surgery as a Physician Assistant. Stull moved, seconded by Michaelis, to recommend reinstatement of the license. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

RECRUITING FOR A PHYSICIAN ASSISTANT MEMBER FOR THE EMS BOARD

There is an opening for a PA member on the EMS Board. This is a Governor appointed position, and to apply, an Application for Executive Appointment must be submitted, go to:

<https://governor.nebraska.gov/board-comm-req>

This board meets about 6 times per year.

Requirements for the Physician Assistant Member:

- Licensed as a Physician Assistant in Nebraska
- Five (5) years of experience as a Physician Assistant
- Active in out-of-hospital emergency medical care education

There is also an opening for an Advanced EMT member for this board.

FYI (S)

- A. FSMB – 2020 Annual Meeting April 30-May 2, 2020 at the Manchester Grand Hyatt in San Diego, CA.

Dr. Keegan has agreed to attend the meeting to represent the Nebraska Medicine and Surgery Board as their Voting Delegate.

Dr. Massey, current Chairperson of the Nebraska Medicine and Surgery Board, is a member of the FSMB “Physician Impairment” working committee and will be attending the meeting.

Dr. Stull, outgoing Chairperson of the Nebraska Medicine and Surgery Board, will be attending the meeting.

The previously scheduled Board of Medicine and Surgery meeting on May 1, 2020 has been cancelled because it conflicts with the FSMB Annual meeting dates.

ADJOURNMENT

There being no further business, Goodman moved, seconded by Stull to adjourn the meeting at 11:45 a.m. Voting aye: Goodman, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick and Howorth. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

Maria Michaelis, MD, Vice-Chairperson
Board of Medicine and Surgery