

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

March 08, 2019

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Todd W. Stull, MD, at 9:12 a.m. on March 08, 2019, 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
Michael Bittles, MD
Merle Henkenius

Absent:

Mark Goodman, MD
Jodanne Hedrick, DO
Jeffrey Howorth

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

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

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

APPROVAL OF MINUTES OF THE MEETING

Henkenius moved, seconded by Michaelis to approve the minutes for January 25, 2019 as presented. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and Howorth. Abstain: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

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

Bittles recused himself from the meeting at 10:17 a.m.
Bittles returned to the meeting at 10:19 a.m.

Massey moved, seconded by Michaelis, to open the session at 11:04 a.m. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and Howorth. Abstain: none. Motion carried.

Board recessed for a Break at 11:04 a.m.
Board returned at 11:18 a.m.

APPLICATION REVIEW – OPEN SESSION

Physician and Osteopathic Physician Initial Application(s)

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

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

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

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

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

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

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

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

MOK, CHARLES, MD - application for a license to practice medicine and surgery. Massey moved, seconded by Bittles, to recommend denial of issuance of a license. Denial was based on a pattern of incompetent or negligent conduct. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and Howorth. Abstain: none. Motion carried.

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

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

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

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

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

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

Physician and Osteopathic Physician Reinstatement Application(s)

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

Genetic Counselor Initial Application(s)

ASHLEY, JEANINE, GC - application for a license to practice as a genetic counselor. Bittles moved, seconded by Michaelis, to recommend issuance of a license. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and Howorth. Abstain: none. Motion carried.

Physician Assistant Initial Application(s)

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

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

Physician Assistant Supervisor Waiver Request Application(s)

FINKER, JOHN, MD, PA SUPERVISOR - application for supervision of more than four (4) physician assistants. Bittles moved, seconded by Michaelis, to recommend that Dr. Finker will be allowed to supervise up to seven (7) physician assistants. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and 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 TEP (Temporary Education Permit) for license to practice medicine and surgery to Riley, Regan, DO on January 31, 2019.

At the January meeting the Board voted to table the discussion regarding the approval for a UNMC Transplantation Surgery Program that is not ACGME accredited. Additional information was discussed. Bittles moved, seconded by Michaelis to recommend approval of the UNMC Transplantation Surgery Program. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and Howorth. Abstain: none. Motion carried.

FYI(s)

- A. Nebraska LAP Newsletter – The Board had no comments regarding the Newsletter.
- B. FSMB (Federation of State Medical Boards) Update and Annual Meeting Invitation
The Annual Meeting will be held April 24-27, 2019 in Ft Worth, TX. Dr. Massey and Jesse Cushman have both expressed a desire to attend the meeting. The Department will set up the registrations.

2019 LEGISLATION UPDATES

Updates of the different legislative bills that are being followed by the Medicine and Surgery Board were discussed.

The following list of bills were available for review by the Board prior to the meeting:

LB29 - Provide and eliminate telehealth provisions

LB37 - Change the Podiatry Practice Act to authorize a physician assistant to assist a podiatrist

LB489 - Require registration for the prescription drug monitoring system

LB557 - Change provisions relating to prescriptions for controlled substances

Amy Reynoldson, Executive Vice President with the NMA (Nebraska Medical Association), was present to update the Board with additional legislation bills that are being followed by the NMA.

LB25 - Provide for additional fees under the Uniform Credentialing Act and create the Patient Safety Cash Fund

LB110 - Adopt the Medical Cannabis Act

LB119 - Provide for immunity from liability, confidentiality of information, and a burden of proof under the Health Care Quality Improvement Act

LB528 - Change provisions relating to use of pharmaceutical agents and use of certain treatments and procedures by optometrists.

Massey moved, seconded by Michaelis to have Dr. Bittles on behalf of the Board, write a Letter of Opposition of LB528 and have it presented to the Health and Human Services Committee before the scheduled hearing on March 15, 2019. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and Howorth. Abstain: none. Motion carried.

LB556 - Change provisions relating to the prescription drug monitoring program

REGULATIONS UPDATES

The Department of Health and Human Services was given an Executive Order by the Governor's office to eliminate language from Regulations that already is stated in the Statutes and or the Uniform Credentialing Act. At the time of the meeting the proposed updates ready for review by the Medicine and Surgery Board, were for Title 172, Professional and Occupational Licensure:

NAC Chapter 89, Practice of Accupuncture Regulations;
NAC Chapter 91, Practice of Perfusion Regulations and;
NAC Chapter 92, Practice of Genetic Counselors.

The Board decided to table the review until proposed regulation updates would also be ready for review for:

NAC Chapter 88, Practice of Medicine and Surgery and;
NAC Chapter 90, Practice of Physician Assistant.

BOARD MEETING DATES FOR 2019

The next Board meeting is scheduled for April 05, 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, Massey moved, seconded by Bittles to adjourn the meeting at 12:40 p.m. Voting aye: Bittles, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Goodman, Hedrick and Howorth. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

Maria Michaelis, MD, Secretary
Board of Medicine and Surgery