

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

April 05, 2019

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 April 05, 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
Mark Goodman, MD
Jodanne Hedrick, DO
Merle Henkenius

Absent:
Jeffrey Howorth

A quorum was present and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gadenken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Mark Meyerson, Jeff Newman, Carla Cue and Trevor Klaassen, 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.

Dr. Stull announced that Dr. Bittles resigned from the Medicine and Surgery Board effective March 31, 2019. Dr. Bittles served on the Board since December 01, 2009 and also served on the Physician Assistant Committee since December 01, 2011. Dr. Stull recognized Dr. Bittles many years of dedicated service to the Board and the Department of Health & Human Services.

REVIEW OF AGENDA

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

APPROVAL OF MINUTES OF THE MEETING

Massey moved, seconded by Hedrick to approve the minutes for March 08, 2019 as presented. Voting aye: Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Goodman moved, seconded by Massey, to go into closed session at 9:04 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, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Stull recused himself from the meeting at 9:30 a.m.
Stull returned to the meeting at 9:39 a.m.

Goodman recused himself from the meeting at 9:51 a.m.
Goodman returned to the meeting at 10:01 a.m.

Goodman recused himself from the meeting at 10:05 a.m.
Goodman returned to the meeting at 10:13 a.m.

Goodman recused himself from the meeting at 10:48 a.m.
Goodman returned to the meeting at 10:50 a.m.

Goodman moved, seconded by Michaelis, to open the session at 10:54 a.m. Voting aye: Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried

Board recessed for a Break at 10:54 a.m.
Board returned at 11:10 a.m.

APPLICATION REVIEW – OPEN SESSION

Physician and Osteopathic Physician Initial Application(s)

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

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

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

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

PAGE, KIMBERLY ANN, MD - application for a license to practice medicine and surgery. Goodman moved, seconded by Massey, to table the recommendation for a pre-licensure investigation. Voting aye: Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

TOONDER, FRANK GEOFFREY, MD – application for a license to practice medicine and surgery. Goodman moved, seconded by Massey to table the recommendation for more information. Voting aye: Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Physician and Osteopathic Physician Reinstatement Application(s)

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

Physician Assistant Initial Application(s)

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

Physician Assistant Reinstatement Application(s)

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

PHARMACEUTICAL CARE AGREEMENT(S)

The Board had no comments on the Pharmaceutical Care Agreements presented.

2019 LEGISLATION UPDATES

Meghan Chaffee, Vice President, Advocacy and Regulation; Legal Counsel with the Nebraska Medical Association was present to discuss the updates of the different legislative bills that are being followed by the Medicine and Surgery Board.

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

LB25 - Provide for additional fees under the Uniform Credentialing Act and create the Patient Safety Cash Fund
Current Status: **Approved by Governor on March 12, 2019**

LB29 - Provide and eliminate telehealth provisions
Current Status: **Approved by Governor on March 21, 2019**

LB37 - Change the Podiatry Practice Act to authorize a physician assistant to assist a podiatrist
Current Status: Notice of hearing for January 30, 2019
As of 3/21/19 – Speaker priority bill

LB110 - Adopt the Medical Cannabis Act
Current Status: Notice of Hearing for January 25, 2019
As of 3/21/19 - Wishart filed AM21

LB119 - Provide for immunity from liability, confidentiality of information, and a burden of proof under the Health Care Quality Improvement Act
Current Status: **Approved by Governor on March 12, 2019**

LB 489 – Require registration for the prescription drug monitoring system
Current Status: Referred to Health and Human Services Committee
As of 3/21/19 – Notice of hearing for March 28, 2019

LB528 - Change provisions relating to use of pharmaceutical agents and use of certain treatments and procedures by optometrists
Current Status: March 11, 2019 Board of Medicine & Surgery Submitted a Letter of Opposition to the HHS Committee
Notice of hearing for March 15, 2019
As of 3/21/19 – no change

LB556 - Change provisions relating to the prescription drug monitoring program
Current Status: Notice of hearing for February 13, 2019
Placed on General File with AM383
As of 3/21/19 – Howard Priority Bill

LB 557 - Change provisions relating to prescriptions for controlled substances
Current Status: as of Feb 05, 2019 - Notice of hearing for February 13, 2019
As of 3/21/19 – no change

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. The proposed updates reviewed by the Medicine and Surgery Board for Nebraska Administrative Code Title 172 Professional and Occupational Licensure were:

NAC Chapter 88, Practice of Medicine and Surgery;
NAC Chapter 89, Practice of Accupuncture Regulations;
NAC Chapter 90, Practice of Physician Assistant;
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 are complete for the unprofessional conduct regulations.

APPOINTMENT OF NEW PHYSICIAN ASSISTANT COMMITTEE MEMBER

With the resignation of Dr. Bittles, a replacement member is needed for the PA Committee. Goodman moved, seconded by Henkenius for Dr. Massey to replace Dr. Bittles as the Board of Medicine and Surgery physician member to the PA Committee. Voting aye: Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

ADJOURNMENT

There being no further business, Goodman moved, seconded by Michaelis to adjourn the meeting at 12:00 p.m. Voting aye: Goodman, Hedrick, Henkenius, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

Maria Michaelis, MD, Secretary
Board of Medicine and Surgery