

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

May 4, 2018

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Mark Goodman, MD, at 9:02 a.m. on May 4, 2018, in the Light House Room, Country Inn & Suites, 5353 N. 27th, Lincoln, Nebraska. The following members answered the roll call:

Mark Goodman, MD, Chairperson
Todd Stull, MD, Vice-Chairperson
John Massey, MD, Secretary
Carl Smith, MD,
Michael Bittles, MD
Judith Scott, DO
Merle Henkenius

Absent:
Jeffrey Howorth

A quorum was present and the meeting convened.

Also present to participate in the meeting: Kathie Lueke, Program Manager, Jan Gadeken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Mendy Mahar-Clark, Investigator; Carla Cue, Investigator, Mike Meyerson, Investigator, Dennis Scott, Program Manager from Investigations; Anna Harrison, Compliance Monitor, from Licensing and Investigations.

REVIEW OF AGENDA

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

APPROVAL OF MINUTES OF THE MEETING

Smith moved, seconded by Scott to approve the minutes for March 9, 2018, as presented. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW

Stull moved, seconded by Smith, to go into closed session at 9:05 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, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Goodman recused himself from the meeting at 9:17 a.m.
Goodman returned to the meeting at 9:25 a.m.

Scott recused herself from the meeting at 9:53 a.m.
Scott returned to the meeting at 9:56 a.m.

Goodman recused himself from the meeting at 10:00 a.m.
Goodman returned to the meeting at 10:03 a.m.

Goodman recused himself from the meeting at 10:11 a.m.
Goodman returned to the meeting at 10:12 a.m.

Massey recused himself from the meeting at 10:49 a.m.
Massey returned to the meeting at 10:52 a.m.

Smith moved, seconded by Bittles, to open the session at 10:55 a.m. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

APPLICATION REVIEW

Physician and Osteopathic Physician Initial Application(s)

HEIMONEN, NANCY LYNN - application for a license to practice medicine and surgery. Smith moved, seconded by Bittles, to recommend issuance of a license with a maximum administrative penalty of \$1000.00 assessed for practicing in Nebraska before being licensed. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

CRYER, KARISSA - application for a license to practice medicine and surgery. Bittles moved, seconded by Smith, to recommend issuance of license after proof of completion of the post graduate remediation probation and proof of completion of the post graduate program. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

WERGIN, BRETT RADNEY - application for a license to practice medicine and surgery. Smith moved, seconded by Bittles, to recommend issuance of a license after proof of completion of the post graduate remediation probation. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

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

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

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

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

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

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

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

PULAKHANDAM, SREELATHA - application for a license to practice medicine and surgery. Bittles moved, seconded by Massey, to recommend issuance of a license with Probation pending proof of successful completion to comply with the Consent Order by the Louisiana State Board of Medical Examiners. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

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

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

Physician and Osteopathic Physician Reinstatement Application(s)

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

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

Physician and Osteopathic Physician Reinstatement after Discipline Application(s)

DAMME, JEFFREY A - application for reinstatement following suspension of a license to practice medicine and surgery. Scott moved, seconded by Smith, to recommend reinstatement of the license with Probationary terms and conditions for a period of 5 years. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

PRESCHER, MICHAEL - application for reinstatement following limitation and probation. Request for early removal of the limitation and probationary terms and conditions of a license to practice medicine and surgery. Stull moved, seconded by Bittles, to recommend reinstatement of the license without limitation and probationary terms and conditions. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Temporary Education Permit(s)

FOUZDAR JAIN, SAMIKSHA - application for a Temporary Education Permit to practice medicine and surgery. Bittles moved, seconded by Scott, to recommend issuance of a Temporary Education Permit. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

JENSEN, BENJAMIN JAMES - application for a Temporary Education Permit to practice medicine and surgery. Scott moved, seconded by Smith, to recommend issuance of a Temporary Education Permit. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

KIMBER, KIRSTEN NICOLE - application for a Temporary Education Permit to practice medicine and surgery. Bittles moved, seconded by Smith, to recommend issuance of a Temporary Education Permit. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

LAZARO, ARLENE VICENCIO PINEDA - application for a Temporary Education Permit to practice medicine and surgery. Smith moved, seconded by Bittles, to recommend issuance of a Temporary Education Permit. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

MILLER, CHRISTOPHER STEPHEN - application for a Temporary Education Permit to practice medicine and surgery. Bittles moved, seconded by Smith, to recommend issuance of a Temporary Education Permit. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

SYED, NABEEL MUZAFFAR - application for a Temporary Education Permit to practice medicine and surgery. Scott moved, seconded by Smith, to recommend issuance of a Temporary Education Permit. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

EMAIL BALLOT(S) SINCE LAST BOARD MEETING

Since the last meeting, the Board voted to correct an error in the meeting minutes from December 1, 2017. The reference in the minutes on page 2 relating to a denial of an application for reinstatement after discipline was corrected to strike the word “another” and replace with the word “this”. The minutes as revised reflect “...disciplinary action in this state.” Email ballots to approve the correction to page 2 of the December 1, 2017, minutes were as follows: Voting aye: Goodman, Henkenius, Howorth, Scott, Smith, and Stull. Voting nay: None. Absent: Bittles, Massey. Abstain: None. Motion carried

PHARMACEUTICAL CARE AGREEMENTS

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

2018 LEGISLATIVE BILLS

Dale Mahlman and Meghan Chaffee, staff members with the Nebraska Medical Association, presented the Board with updates of the different legislative bills that are followed by the NMA.

The following list of bills were available for review by the board prior to the meeting.

LB 701 - Provide for telehealth practice by physicians and physician assistants
Current Status: **Approved by the Governor on April 11, 2018**

LB703 - Provide a licensure exemption for visiting athletic team physicians as prescribed
Current Status: Incorporated as an amendment to **LB1034. Approved by the Governor on April 23, 2018**

LB704 - Change provisions relating to foreign medical graduates
Current Status: Incorporated as an amendment to **LB1034. Approved by the Governor on April 23, 2018**

(2) Present proof that he or she has served at least one year of graduate medical education approved by the board or, if a foreign medical graduate, present proof that he or she has served at least **two three** years of graduate medical education approved by the board;

LB731 - Requires continuing education regarding the prescribing of opiates and changes provisions relating to the dispensing of controlled substances

Current Status: **Approved by the Governor on April 19, 2018**

38-145 (6) Beginning with the first license renewal period which begins on or after October 1, 2018, the continuing competency requirements for a nurse midwife, dentist, physician, physician assistant, nurse practitioner, podiatrist, and veterinarian who prescribes controlled substances shall include at least three hours of continuing education biennially regarding prescribing opiates as defined in section 28-401. The continuing education may include, but is not limited to, education regarding prescribing and administering opiates, the risks and indicators regarding development of addiction to opiates, and emergency opiate situations. One-half hour of the three hours of continuing education shall cover the prescription drug monitoring program described in sections 71-2454 to 71-2456. This subsection terminates on January 1, 2029.

LB 788 - Require continuing education for health care professionals regarding opiate prescriptions

Current Status: Incorporated as an amendment to **LB731. Approved by the Governor on April 19, 2018**

LB 834 – Provide for waiver of certain occupational and licensing fees as prescribed

Current Status: Indefinitely postponed by the legislature as of April 18, 2018

LB 836 – Provide for minors' consent to certain mental health services as prescribed

Current Status: Indefinitely postponed by the legislature as of April 18, 2018

LB 897 – Change medical providers' duties under offense of failure to report injury or violence

Current Status: Indefinitely postponed by the legislature as of April 18, 2018

LB 931 – Provide requirements for opiate prescriptions

Current Status: **Approved by the Governor on April 4, 2018**

LB 933 - Provide prescription requirements for certain controlled substances

Current Status: Incorporated as an amendment to **LB931. Approved by the Governor on April 4, 2018**

LB 934 - Require identification prior to receipt of dispensed opiates

Current Status: Incorporated as an amendment to **LB931. Approved by the Governor on April 4, 2018**

LB 979 – Authorize physician assistants and nurse practitioners to render expert opinions

Current Status: Indefinitely postponed by the legislature as of April 18, 2018

LB1127 - Provide additional fees for certain credentials under the Uniform Credentialing Act and create the Patient Safety Cash Fund

Current Status: Indefinitely postponed by the legislature as of April 18, 2018

FYI'S

LAP Newsletter – No Board comments at this time.

IMLCC update – No Board comments at this time.

FSMB 2018 Annual Meeting – No Board comments at this time.

SURGICAL FIRST ASSISTANTS CONTINUING COMPETENCY

As of October 1, 2018, Surgical First Assistants credential holders will have the first renewal of their license. Due to that fact, each licensee will be expected to complete continuing education requirements approved by the board before the next renewal date of January 1, 2021. Lueke asked the board to reaffirm expectations by the board which were incorporated within draft regulations 172 Chapter 87, which are under review by the Governor's Policy Research Office as part of the regulatory review process.

Smith motioned, seconded by Stull to follow the draft regulations set out in Title 172 Chapter 87 006 – 006.03 Continuing Education. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

RECESSED at 11:30 a.m. Before the Board Hearing scheduled at 12:30 p.m.

The Board reconvened following the conclusion of the Board Hearing and the following recommendation was approved by the board in open session:

COSTELLO, IV, JOSEPH K. – application for reinstatement following suspension of a license to practice medicine and surgery. Goodman moved, seconded by Bittles, to recommend denial based on not meeting the license qualifications, requirements outlined in Neb. Rev. Stat. § 38-2026(4). Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried

ADJOURNMENT

There being no further business, Massey moved, seconded by Stull, to adjourn the meeting at 1:40 p.m. Voting aye: Bittles, Goodman, Henkenius, Massey, Scott, Smith, and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

John Massey, MD, Secretary
Board of Medicine and Surgery