

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

June 14, 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 June 14, 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
Merle Henkenius
Jeffrey Howorth
Brian Keegan, MD

Absent:
Jodanne Hedrick, DO

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; Suzanna Glover-Ettrich, DHHS Legal; Dennis Scott, Mark Meyerson, Jeff Newman, Carla Cue, Kathleen Krueger, Sherri Lovelace and Mendy Mahar-Clark, 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.

WELCOME

Dr. Stull Welcomed Dr. Brian Keegan, MD as the new member of the Medicine and Surgery Board. Dr. Keegan will be replacing Dr. Bittles who resigned March 31, 2019.

REVIEW OF AGENDA

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

APPROVAL OF MINUTES OF THE MEETING

Goodman moved, seconded by Keegan to approve the minutes for April 05, 2019 as presented. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

PUBLIC STATEMENTS

Dr. Jeffrey Fraser and his Attorney, Melanie J. Whittamore-Mantzios were present to address the Board regarding his application for reinstatement after suspension.

Dr. Andrea Parde and her Attorney, Melanie J. Whittamore-Mantzios were present to address the Board regarding her application for reinstatement after suspension.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Howorth moved, seconded by Henkenius, to go into closed session at 9:25 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, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

Cushman recused himself from the meeting at 9:25 a.m.
Cushman returned to the meeting at 9:54 a.m.

Lester recused herself from the meeting at 9:25 a.m.
Lester returned to the meeting at 10:02 a.m.

Michaelis recused herself from the meeting at 9:53 a.m.
Michaelis returned to the meeting at 10:02 a.m.

Massey recused himself from the meeting at 10:25 a.m.
Massey returned to the meeting at 10:32 a.m.

Board recessed for a Break at 10:50 a.m.
Board returned at 10:55 a.m.

Goodman recused himself from the meeting at 11:32 a.m.
Goodman returned to the meeting at 11:44 a.m.

Goodman moved, seconded by Howorth, to open the session at 12:20 p.m. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

APPLICATION REVIEW – OPEN SESSION

Physician and Osteopathic Physician Initial Application(s)

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

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

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

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

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

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

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

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

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

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

PAGE, KIMBERLY ANN, MD – application for a license to practice medicine and surgery. Dr. Page's application was reviewed at the April 5, 2019 Board meeting and was referred for a pre-licensure investigation. The investigation was reviewed by the Board and Massey moved, seconded by Michaelis to recommend issuance of a license. Voting aye: Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: Goodman. Absent: Hedrick. Abstain: Keegan. Motion carried.

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

TOONDER, FRANK GEOFFREY, MD – application for a license to practice medicine and surgery. Dr. Toonder's application was reviewed at the April 5, 2019 Board meeting and was tabled for additional information. After review of the additional information Michaelis moved, seconded by Goodman to recommend issuance of a license. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

UDE, CHINELO STELLA, MD – application for a license to practice medicine and surgery. Goodman moved, seconded by Howorth to recommend denial of a license. Denial of license was based on noncompliance of the Nebraska licensing requirements. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

Physician and Osteopathic Physician Locum Tenens Application(s)

WATTS, MARK, MD – application for a license to practice medicine and surgery on a locum tenens basis. Howorth moved, seconded by Goodman to recommend issuance of a locum tenens license. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

Physician and Osteopathic Physician Reinstatement Application(s)

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

Physician and Osteopathic Physician Reinstatement after Discipline Application(s)

FRASER, JEFFREY, MD - application for a reinstatement after suspension license to practice medicine and surgery. Goodman moved, seconded by Howorth, to recommend reinstatement of the license with Probationary terms and conditions for a period of 5 years. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

PARDE, ANDREA, MD - application for a reinstatement after suspension license to practice medicine and surgery. Goodman moved, seconded by Howorth, to recommend reinstatement of the license with Probationary terms and conditions for a period of 5 years. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey and Stull. Voting nay: none. Absent: Hedrick. Abstain: Michaelis. Motion carried.

Physician Assistant Initial Application(s)

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

Genetic Counselor Initial Application(s)

SCHOONVELD, KAY, GC - application for a license to practice as a Genetic Counselor. Goodman moved, seconded by Howorth, to recommend issuance of a Genetic Counselor license. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

Temporary Education Permit(s)

DAHLVANI, ZEHRA, MD – application for a temporary education permit to practice medicine and surgery. Howorth moved, seconded by Keegan to recommend issuance of a temporary education permit. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

HOCHSTETLER, EMILY, MD – application for a temporary education permit to practice medicine and surgery. Howorth moved, seconded by Henkenius to recommend issuance of a temporary education permit. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

SIEVERS, COLE, MD – application for a temporary education permit to practice medicine and surgery. Goodman moved, seconded by Michaelis to recommend issuance of a temporary education permit. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

E-Mail Ballot(s) Since the Last Meeting

Since their last meeting, the Board voted via e-mail ballots:

REED, BRIAN MITCHELL, MD – application for a license to practice medicine and surgery. The Board voted for approval of the issuance of the license on April 15, 2019.

VONDERFECHT, THOMAS LEE, MD – application for a TEP (Temporary Education Permit) to practice medicine and surgery. The Board voted for approval of the issuance of the permit on June 1, 2019.

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**

Discussion – MD/DO's will be assessed a \$50.00 fee & PA's a \$20.00 fee established to be paid by the licensee biennially with the initial or renewal fee for the credential starting on 01/01/2020 and terminate on 01/01/2026. Revenue for the Patient Safety Cash Fund shall be used to support the activities of a patient safety organization.

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: Indefinitely postponed

LB110 - Adopt the Medical Cannabis Act
Current Status: Failed Votes

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

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)
Referred to Health and Human Services Committee

LB556 - Change provisions relating to the prescription drug monitoring program
Current Status: **Approved by Governor on May 01, 2019**

LB 557 - Change provisions relating to prescriptions for controlled substances
Current Status: Provisions/portions of LB557 amended into LB556 by AM383
LB 556 **Approved by Governor on May 01, 2019**

REGULATIONS UPDATES

The proposed draft regulations for Title 172 NAC, Professional and Occupational Licensure were:
NAC Chapter 88, Practice of Medicine and Surgery;
NAC Chapter 89, Practice of Acupuncture Regulations;
NAC Chapter 90, Practice of Physician Assistant;
NAC Chapter 91, Practice of Perfusion Regulations and;
NAC Chapter 92, Practice of Genetic Counselors.

They are still in the review stages so there are no updates at this time.

DISCUSSION – MEDICAL RECORDS

The DHHS Licensure Unit has received several questions concerning retrieval of patient records from a medical practice that has closed. The Standard of Practice to follow when a medical practice is closing is that the Doctor and or Medical Practice would send a Notification of Closure letter to their patients stipulating the end of the practice and how and when the patients need to respond for receipt or transfer of their medical records with regards to avoid any HIPPA violations.

FYI (s)

- A. REMS (Opioid Analgesic Risk Evaluation and Mitigation Strategy) Newsletter – the Board had no comments at this time.

- B. KSTAR Knowledge, Skills, Training, Assessment & Research Services – the Board had no comments at this time.

FSMB ANNUAL MEETING COMMENTS

The FSMB (Federation of State Medical Boards) Annual Meeting was held in Fort Worth, TX on April 25-26, 2019 with Dr. Massey and Jesse Cushman in attendance representing the Nebraska Board of Medicine and Surgery.

Jesse expressed his appreciation to the Federation for a most enjoyable and informational packed meeting. The sessions that he noted of interest were on “Physician Burnout”, “Sexual Boundaries” and “Opioid Talk”.

Dr. Massey agreed that it was a pertinent meeting. Two major issues were “Ethics & Boundaries” and “How to Identify Offenders & Intervene”. He also noted the “Opioid Talk” was of special interest especially with the Nebraska LB110 proposal. Dr. Massey indicated that he is personally going to get more involved with the FSMB and encourages other Board members and physicians to also get involved. He suggested that the Department and the Board should extend an invitation to Jeff Carter, FSMB Board of Directors to visit Nebraska at one of the future Board meetings.

ADJOURNMENT

There being no further business, Goodman moved, seconded by Howorth to adjourn the meeting at 1:20 p.m. Voting aye: Goodman, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Hedrick. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

Maria Michaelis, MD, Secretary
Board of Medicine and Surgery