

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

June 26, 2020

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, John R. Massey, MD, at 9:00 a.m. on June 26, 2020, in the LU 3 Conference Room at the NE State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was conducted by WebEx. The following members answered the roll call:

John Massey, MD, Chairperson
Maria Michaelis, MD, Vice-Chairperson
Jodanne Hedrick, DO, Secretary
Todd Stull, MD
Mark Goodman, MD
Brian Keegan, MD
Jeffrey Howorth
Adam Kuenning

Absent: None

A quorum was present and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gaden-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Mark Meyerson, Carla Cue, Patricia Lemke 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

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

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 106th Legislature, 2nd Session, is not in session.

Check the calendar to see legislative activity.

Due to public safety concerns regarding the coronavirus pandemic, the 2020 legislative session is suspended until July 20, 2020.

During this pause in the legislative session, senators and their offices continue their work. The health, safety and well-being of all of our neighbors are the top priorities.

Teleconference confirmation hearings for several gubernatorial appointees were held by the Health and Human Services Committee May 27 and 29, 2020. Public testimony regarding the appointments will be allowed at a later date, to be announced.

Dexter noted that the Credentialing Review (407) for Athletic Trainers has a WebEx meeting scheduled for July 28, 2020. To see the Agenda and to review the Letter of Intent, Proposal and additional information visit the DHHS website: <http://dhhs.ne.gov/licensure/Pages/Credentialing-Review-Athletic-Trainers.aspx>

Dexter also noted the APRN Credentialing Review (407) Technical Committee has their first meeting scheduled for July 30, 2020 by WebEx. To see the Agenda and to review the Letter of Intent and Proposal visit the DHHS website: <http://dhhs.ne.gov/licensure/Pages/Credentialing-Review-APRN.aspx>

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

Title 172 Professional and Occupational Licensure, Chapter 88 Licensure of Medicine and Surgery and
Osteopathic Medicine and Surgery Regulations have promulgated effective June 16, 2020. You can view the
Regulations on the DHHS website:
https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-088.pdf

APPROVAL OF MINUTES OF THE MEETING

Howorth moved, seconded by Hedrick to approve the minutes for May 29, 2020 as presented. Voting aye:
Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey, Michaelis and Stull. Voting nay: None. Absent: None.
Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Howorth moved, seconded by Michaelis, 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: Goodman, Hedrick,
Howorth, Keegan, Kuenning, Massey, Michaelis and Stull. Voting nay: None. Absent: None. Abstain: None.
Motion carried.

Goodman moved, seconded by Hedrick, to open the session at 10:30 a.m. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey, Michaelis and Stull. Voting nay: None. Absent: None. Abstain: None. Motion carried.

APPLICATION REVIEW – OPEN SESSION

There were no applications for the Board to review at this meeting.

COVID-19 DISCUSSION

The Board had nothing for discussion.

ADJOURNMENT

There being no further business, Hedrick moved, seconded by Stull to adjourn the meeting at 10:35 a.m. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey, Michaelis and Stull. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Respectfully submitted,

signature available upon request

Jodanne Hedrick, DO, Secretary
Board of Medicine and Surgery