

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

August 16, 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 August 16, 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
Jodanne Hedrick, DO

Absent: None

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; Dennis Scott, Mark Meyerson, Jeff Newman, Kathleen Krueger, Patricia Lemke 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.

REVIEW OF AGENDA

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

APPROVAL OF MINUTES OF THE MEETING

Goodman moved, seconded by Massey to approve the minutes for the Conference Call meeting on May 31, 2019 and June 14, 2019 as presented. Voting aye: Goodman, Hedrick, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: none. Abstain: none. Motion carried.

PRESENTATION OF SERVICE AWARDS

Former Board Members were present to receive the presentation of the "Admiralship Award with the Great Navy of the State of Nebraska" awarded by the Governor's office.

Dr. Judith Scott, DO served the Medicine and Surgery Board from December 1, 2008 to November 30, 2018

Dr. Michael Bittles, MD served the Medicine and Surgery Board from December 1, 2009 to March 31, 2019 and also served the Physician Assistant Committee from December 1, 2011 to March 31, 2019.

The Board of Medicine and Surgery and the Department of Health and Human Services extend their deepest appreciation to both Dr. Scott and Dr. Bittles for their service to the State of Nebraska.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

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

Goodman recused himself from the meeting at 9:55 a.m.
Goodman returned to the meeting at 9:58 a.m.

Goodman recused himself from the meeting at 10:18 a.m.
Goodman returned to the meeting at 10:20 a.m.

Massey moved, seconded by Goodman, to open the session at 11:55 a.m. Voting aye: Goodman, Hedrick, Henkenius, Howorth, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: none. Abstain: none. Motion carried.

Howorth left the meeting at 11:55 a.m.

Board recessed for a Break at 11:55 a.m.
Board returned at 12:03 p.m.

APPLICATION REVIEW – OPEN SESSION

Physician and Osteopathic Physician Initial Application(s)

AL-KAHLOUT, OMAR, MD - application for a license to practice medicine and surgery. Goodman moved, seconded by Hedrick, to table for request of additional information. Voting aye: Goodman, Hedrick, Henkenius, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

CLARK, LEO, 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, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

CUNARD, ROBERT, MD - application for a license to practice medicine and surgery. Goodman moved, seconded by Massey, to recommend a limitation on the license to prohibit prescribing of controlled substances and a four (4) year probationary license. The probationary terms and conditions should be to establish a practice monitor for monthly meetings to review 100% of pain management patient records and 25% of all other patient records and other standard probationary terms and conditions. The basis for the probationary license is a suspension of license in another state. Voting aye: Goodman, Hedrick, Henkenius, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

KHALIFA ALSALEH, AHMAD, 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, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

RAUFI, MUHAMMAD, 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, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

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

SAAD, DANIEL, MD – application for a license to practice medicine and surgery. Goodman moved, seconded by Hedrick 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.

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

Physician and Osteopathic Physician Reinstatement Application(s)

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

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

Physician and Osteopathic Physician Reinstatement after Discipline Application(s)

CABILING, LOUIS, MD - application for a reinstatement after probation license, requesting early release from probation license to practice medicine and surgery. Goodman moved, seconded by Hedrick, to recommend reinstatement of the license. Voting aye: Goodman, Hedrick, Henkenius, Keegan, Massey, Michaelis and Stull. Voting nay: none. Absent: Howorth. Abstain: none. Motion carried.

E-Mail Ballot(s) Since the Last Meeting

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

WHITE, MICHELLE, MD – application for a license to practice medicine and surgery. The Board voted for approval of the issuance of the license on July 1, 2019.

THOMAS, RONISHIA, MD – application for a license to practice medicine and surgery as a Locum Tenens. The Board voted for approval of the issuance of the license on July 15, 2019.

PHARMACEUTICAL CARE AGREEMENT(S)

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

2019 LEGISLATION UPDATES

Amy Reynolds, Executive Vice President with the Nebraska Medical Association was present to discuss the updates of the different legislative bills that have been followed by the Medicine and Surgery Board:

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: Indefinitely postponed

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

LB112 - Provide for waiver of certain occupational and licensing fees as prescribed
Current Status: **Approved by Governor on March 21, 2019**

Discussion – 38-155 (3) All fees for initial credentials under the Uniform Credentialing Act for low-income individuals, military families, and young workers shall be waived except the actual cost of the fingerprinting and criminal background check for an initial license under section 38-131. Sec. 11. This act becomes operative on January 1, 2020.

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](#) On May 31, 2019**

The Legislature has adjourned and the session is finished for the year.

Also discussed was the Credentialing Review 407 Program and the Credentialing Review of a proposal from Nebraska's Physician Assistants to make changes in their current licensure statute.

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

1. The technical review committee
2. The review of the State Board of Health
3. The review of the Director of the Division of Public Health

The Technical Review Committee meetings were held on May 30, 2019 and June 24, 2019 and August 12, 2019. A fourth meeting has been scheduled for September 30, 2019. To review the (NAPA) Nebraska Academy of Physician Assistants Letter of Intent, the minutes from the meetings and the upcoming agenda, please visit the DHHS website.

<http://dhhs.ne.gov/licensure/Pages/Credentialing-Review-Physician-Assistant.aspx>

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.

CURRENT BOARD TERM EXPIRATIONS

Henkenius' current term limit will be expiring on 11/30/2019. He has served 12 years and is not eligible to renew. Keegan and Howorth are both eligible to renew their term limits. Contact the Board of Health if you or anyone you know may be interested in applying. Applications will be submitted to the Professional Boards Committee of the Board of Health for review. This Committee will screen applications to determine who they want to interview.

EXPENSE REIMBURSEMENT

Jesse Cushman reminded the Committee that all state travel expenses must be submitted to the Department within 30 days of the final day of travel to meet the requirements of Neb. Rev. Stat. § 81-1174.

ADJOURNMENT

There being no further business, Goodman moved, seconded by Massey to adjourn the meeting at 12:26 p.m. Voting aye: Goodman, Hedrick, Henkenius, Keegan, 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