

NEBRASKA BOARD OF MEDICINE AND SURGERY

**MEETING MINUTES
September 11, 2020**

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, John R. Massey, MD, at 9:07 a.m. on September 11, 2020, in the 3D 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 Gadenken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Suzanna Glover- Ettrich, Department Attorney; Mark Meyerson, Kathleen Krueger and Jeff Newman, Carla Cue and Larry Wiehn, 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

Howorth moved, seconded by Keegan 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.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

No applications were removed from the consent agenda.

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

2020 LEGISLATION UPDATES

The 106th Legislature, 2nd Session, has now adjourned with no appointed date for resumption.

Amy Reynoldson, Executive Vice President and Dexter Schrodtt, 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 and proposed bills for the next session.

The following is a list of some of the legislative bills that were being followed by the Medicine and Surgery Board:

- LB772 - Change the scope of practice for physician assistants
Current Status: Provisions/portions of LB772 were amended into LB755 by AM2480
To see the Final Reading/Slip Law of LB755 please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB755.pdf>
- LB783 - Change the definition of ambulatory surgical center
Current Status: LB838 and LB1104 amended into LB783 and were presented to the Governor on August 4, 2020.
To see the Final Reading/Slip Law of LB783, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB783.pdf>
- LB817- Adopt the Prescribing Psychologist Practice Act
Current Status: Indefinitely postponed.
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: Indefinitely postponed
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: Provisions/portions of LB838 amended into LB783 by AM2775 and sent to Governor August 4, 2020.
To learn more about LB838, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB838.pdf>
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB783.pdf>
- LB886 - Prohibit certain acts by health insurers and network providers and list a deceptive trade practice
Current Status: Provisions/portions of LB886 amended into LB774 by AM2558 and sent to Governor on August 6, 2020
To see the Final Reading/Slip Law of 774, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB886.pdf>
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB774.pdf>
- LB887 - Authorize pharmacists to adapt prescriptions to aid consumers
Current Status: Provisions/portions of LB887 amended into LB1052 by AM2645
To see the Final Reading/Slip Law of LB1052, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB887.pdf>
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB1052.pdf>
- LB922 - Require electronic issuance of prescriptions for controlled substances as prescribed
Current Status: Indefinitely postponed.
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: Indefinitely postponed.
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: Indefinitely postponed.
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: Indefinitely postponed.
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: Approved by Governor on July 24, 2020 – Slip Law
To learn more about LB997, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB997.pdf>
- LB1011 - Require certain hospitals to accept reimbursement from the Medicare program
Current Status: Indefinitely postponed.
To learn more about LB1011, 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: Provisions/portions of LB1036 amended into LB1004 by AM3094 – Returned by Governor without approval on August 17, 2020.
To see the Final Reading of LB1004, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1036.pdf>
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Final/LB1004.pdf>
- LB1058 - Adopt the Population Health Information Act
Current Status: Provisions/portions of LB1058 amended into LB1183 by AM2607 and approved by Governor on August 7, 2020.
To see the Final Reading/Slip Law of LB1183, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1058.pdf>
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB1183.pdf>
- LB1065 - Change provisions regarding pharmacies, pharmacists, and pharmacy personnel
Current Status: Indefinitely postponed.
To learn more about LB1065, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1065.pdf>
- LB1104 - Redefine a term under the Health Care Quality Improvement Act
Current Status: Provisions/portions of LB1104 amended into LB783 by AM2775 and approved by the Governor on August 10, 2020
To learn more about LB1104, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1104.pdf>
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB783.pdf>
- LB1133 - Increase caps on medical malpractice liability
Current Status: Indefinitely postponed.
To learn more about LB1133, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1133.pdf>

REGULATIONS UPDATE

A Public Hearing for Title 172 Chapter 90 – Licensure and Supervision of Physician Assistants has been scheduled for October 5, 2020 at 10:00a.m.at the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, NE.

A Public Hearing for Title 172 Chapter 89 – Practice of Acupuncture has been scheduled for October 15, 2020 at 10:00a.m.at the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, NE.

For updates on the schedule for Public Hearing Notices for Draft Regulations, please visit the Secretary of State website link listed below:

<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>

APPROVAL OF MINUTES OF THE MEETING

Michaelis moved, seconded by Goodman to approve the minutes for August 7, 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

Goodman moved, seconded by Michaelis, to go into closed session at 9:40 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 Recused himself at 10:11 a.m.
Goodman Returned at 10:12 a.m.

Goodman moved, seconded by Hedrick, to open the session at 11:01 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

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician and Osteopathic Physician Initial Application(s) (1) – CONSENT

Physician Assistant Initial Application(s) (1) – CONSENT

Surgical First Assistant Initial Application(s) (1) – CONSENT

COVID-19 DISCUSSION(s)

The Board did not have any discussion at this time.

ADJOURNMENT

There being no further business, Keegan moved, seconded by Michaelis to adjourn the meeting at 11:05 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