

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES December 07, 2018

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Mark Goodman, MD, at 9:01 a.m. on December 07, 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
Jeffrey Howorth
Merle Henkenius
Maria Michaelis, MD
Jodanne Hedrick, DO

Absent:
Michael Bittles, MD

NEW BOARD MEMBER RECOGNITION

Dr. Maria Michaelis, MD, FASA will be taking the place of Dr. Carl Smith, MD on the Board. Dr. Michaelis has been appointed by the State Board of Health to serve as the Medical School Faculty Member of the Board of Medicine and Surgery. Her term begins December 1, 2018 and runs through November 30, 2023.

Dr. Jodanne Hedrick, DO will be taking the place of Dr. Judith Scott, DO on the Board. Dr. Hedrick has been appointed by the State Board of Health to serve as the Osteopathic Physician Member of the Board of Medicine and Surgery. Her term begins December 1, 2018 and runs through November 30, 2023.

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 Department; Kathleen Krueger, Mark Meyerson, Jeff Newman, Trevor Klaassen, Patricia Lemke, Investigators with the Investigation Unit, Anna Harrison, Compliance Monitor, from Licensing and Investigations.

Dr. Goodman 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

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

APPROVAL OF MINUTES OF THE MEETING

Henkenius moved, seconded by Howorth to approve the minutes for October 12, 2018 as presented. Voting aye: Goodman, Hedrick, Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles. Abstain: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Stull moved, seconded by Howorth, 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: Goodman, Hedrick,

Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles. Abstain: none. Motion carried.

Michaelis recused herself from the meeting at 9:56 a.m.
Michaelis returned to the meeting at 10:03 a.m.

Goodman recused himself from the meeting at 10:05 a.m.
Goodman returned to the meeting at 10:06 a.m.

Mindy Lester recused herself from the meeting at 10:26 a.m.

Suzanna Glover-Ettrich joined the meeting at 10:26 a.m.
Suzanna Glover-Ettrich left the meeting at 11:08 a.m.

Stull moved, seconded by Howorth, to open the session at 11:08 a.m. Voting aye: Goodman, Hedrick, Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles. Abstain: none. Motion carried.

Board recessed for a Break at 11:08 a.m.
Board returned at 11:15 a.m.

Mindy Lester returned to the meeting at 11:15 a.m.

APPLICATION REVIEW – OPEN SESSION

Physician and Osteopathic Physician Initial Application(s)

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

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

EASTMAN, PAUL JOSEPH, 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, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles. Abstain: none. Motion carried.

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

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

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

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

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

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

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

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

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

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

Locum Tenens Application(s)

BUTTERFIELD, MICHAEL CHAO, MD - application for a license to practice medicine and surgery on a Locum Tenens basis. Howorth moved, seconded by Smith, to recommend issuance of a Locum Tenens license. Voting aye: Goodman, Hedrick, Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles. Abstain: none. Motion carried.

Physician and Osteopathic Physician Reinstatement(s)

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

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

Physician and Osteopathic Physician Reinstatement after Suspension Application(s)

BURTON, REGINALD ARTHUR, MD - application for reinstatement after suspension of a license to practice medicine and surgery. Stull moved, seconded by Howorth, to recommend denial of reinstatement. Denial was based on insufficient evidence that proves that the applicant can practice medicine and surgery safely for the public. Voting aye: Goodman, Hedrick, Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles. Abstain: none. Motion carried.

ROTHENBERG, LAWRENCE, MD - application for reinstatement after suspension for removal of limitations on medicine and surgery license. Stull moved, seconded by Massey, to recommend removal of the limitations. Voting aye: Goodman, Hedrick, Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles. Abstain: none. Motion carried.

E-Mail Ballot(s) Since the Last Meeting

Since their last meeting, the Board voted via e-mail ballots to issue a license to practice medicine and surgery on a Locum Tenens basis to Chapman, Donald Redding, MD on October 23, 2018 and Lamar, Steven Douglas, DO on October 23, 2018.

The Board also voted via e-mail ballot to approve a program for CME credits requested by the Departments of Public & Behavior Health on November 14, 2018.

Department Decision(s)

WAITE, GLENN, MD – Documents were received by the Department with proof of Dr. Waite's medical degree, therefore a license to practice medicine and surgery was issued on 11/02/2018.

Goodman left the meeting at 11:26 a.m.

Stull took over chairing the meeting at 11:26 a.m.

NMA (Nebraska Medical Association)

Amy Reynoldson, Dale Mahlman and Meghan Chaffee with the NMA were present for discussions with the Board.

Discussion was held regarding the compliant questions on Section I, Section II of the Physician license application, Section E, Section II of the Physician Locum Tenens application and Section F, Section II of the Temporary Education Permit application. The Department is in consideration of revising the wording on the (4) questions in those sections to make them compliant with the ADA (American Disability Act). The Board reviewed the proposed revisions that the Department presented and Massey moved, seconded by Howorth to accept the suggested revisions. Voting aye: Hedrick, Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles and Goodman. Abstain: none. Motion carried.

Discussion on Unlicensed personnel delegation was tabled.

Discussion was held on the subject of developing a Physician Administrative License for the State of Nebraska. There are opinions that are in opposition of creating a second class of Physician License, the feeling is that it is not a necessary step in the licensing process. There are other opinions that say that there is a need for the class to enable administrative educators to have an Administrative license regardless of the active practice requirement that is currently in statute. It was concluded that there is the need for continuing consideration of the subject.

Discussion was held on the interpretation of who needs to comply with Statute LB 731 38-145 (6). The Department wants to make the Board aware that in the future there may be legislation proposed to "clean up" or clarify the verbiage for a clear understanding of who must comply with the (3) hour CME requirement.

NAND (Nebraska Academy of Nutrition and Dietetics)

The Public Policy Committee for the NAND presented to the Board and the Department for their awareness information relating to the LMNT's (Licensed Medical Nutrition Therapist) writing patient diet orders in accordance with the Center for Medicare and Medicaid Services (CMS) recent rule changes. The NAND is focused on the wording of: "or by a licensed medical nutrition therapist, in consultation with the patient's medical practitioner". In the MNT statute 38-1006, Consultation is defined as: "Consultation means conferring with a physician regarding the activities of the licensed medical nutrition therapist". The NAND appreciates that the rule continues to keep physicians at the center of patient care, while allowing the RDN/LMNT to improve patient health, save money, and eliminate inefficiencies by working at the height of their scope of practice.

PHARMACEUTICAL CARE AGREEMENTS

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

IMLCC

Jesse Cushman, Program Manager represented the Board at the Interstate Medical Licensing Compact Commissioner meeting on November 15, 2018 in Denver, CO. The Compact was created as a means to streamline licensing portability between states to expedite issuance of a license. Since the inauguration there has been rapid expansion creating the need for consistent leadership and management and review of the bylaws. Jesse is asking for feedback from applicants that have been licensed through the Compact regarding their experience with the process. Your comments will help in the effort to improve the efficiency of the IMLCC licensing process.

LICENSEE DISCIPLINE

Matthew Gelvin, Program Manager and Anna Harrison, RN, BSN with the DHHS Compliance Monitoring Department, and Juan Ramirez, an independent consultant with the Nebraska Center for Nursing, presented the Board with a statistical analysis regarding licensee compliance monitoring cases with discipline for the past five years. In future cases that are presented to the Board this report will be helpful in providing insight to the Board when considering their recommendation for discipline to a licensee.

BOARD MEETING DATES FOR 2019

The next Board meeting is scheduled for January 25, 2019. Additional proposed dates are being considered for the year of 2019 and when they are confirmed a list of the 2019 Medicine and Surgery Board meeting dates will be published on the DHHS website.

<http://dhhs.ne.gov/licensure/Pages/licensing-home-page.aspx>

ADJOURNMENT

There being no further business, Massey moved, seconded by Howorth to adjourn the meeting at 12:55 p.m. Voting aye: Hedrick, Henkenius, Howorth, Massey, Michaelis and Stull. Voting nay: none. Absent: Bittles and Goodman. Abstain: none. Motion carried.

Respectfully submitted,

signature available upon request

John Massey, MD, Secretary
Board of Medicine and Surgery