



RURAL HEALTH ADVISORY COMMISSION

NEBRASKA OFFICE OF RURAL HEALTH
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Minutes of the RURAL HEALTH ADVISORY COMMISSION

Friday, March 15, 2013

1:30 p.m. – 4:00 p.m.

220 S. 17th

Lincoln, Nebraska

Members Present: Scot Adams, Ph.D., Kathy Boswell, Brian Buhlke, D.O., Marty Fattig, Mary Kent, Jenifer Roberts-Johnson, J.D., Rebecca Schroeder, Ph.D., Avery Sides, M.D., Mike Sitorius, M.D., Sharon Vandegrift, R.N., Roger Wells, P.A.-C.

Members Excused: Mark Goodman, M.D., Shawn Kralik, D.D.S.

Office of Rural Health Staff Present: Marlene Janssen, Dave Palm, Tom Rauner, and Deb Stoltenberg

1. Call Meeting to Order; Open Meetings Act & Agenda Posted; Adopt Agenda; Approve Minutes of November 30, 2012 Meeting; Introduce Members and Guests

Chairman Marty Fattig called the meeting to order at 2:04 p.m. with the following members present: Adams, Boswell, Buhlke, Fattig, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, and Wells. Mr. Fattig stated that the meeting was delayed due to the Legislative confirmation hearing for several of the members. Excused: Goodman, Kralik

Marty Fattig announced that the Open Meetings Act and Agenda are posted by the door.

Dr. Brian Buhlke moved to approve the agenda with the following change: move the discussion of Student Loan Interviews/Interviewers under Agenda Item #2 to Agenda Item #6 Student Loans. Dr. Scot Adams seconded the motion. No discussion. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

Dr. Rebecca Schroeder moved to approve the November 30, 2012, Rural Health Advisory Commission (RHAC) meeting minutes. Sharon Vandegrift seconded the motion. Discussion: Marty Fattig noted that at the last meeting the members discussed the possibility of meeting with the Legislative Health and Human Services Committee and Jenifer Roberts-Johnson suggested we consult with legal on this before acting. Mr. Fattig stated he wanted to thank Jenifer on slowing the commission down on this issue because after he thought about it he realized that we do not want to have a quorum at such a meeting. This would cause

problems with the public meeting laws. Roger Wells added that the commission could appoint a representative committee to speak for the commission. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

No guests were present.

2. Administrative Announcements

- **Next Meeting: Friday, June 21, 2013, 1:30 p.m. in Lincoln**
- ~~Student Loan Interviews/Interviewers~~ **To be discussed under #6 Student Loans**
- **Other Announcements**
 - **Accountability and Disclosure Statements due April 1, 2013**

Marty Fattig announced that the next RHAC meeting is scheduled on Friday, June 21, 2013, in Lincoln. Marlene Janssen reported that commission members are required to file a statement of financial interests with the Nebraska Accountability and Disclosure Commission on or before April 1, 2013. Mr. Fattig noted members received an electronic copy of the RHAC's 2012 Annual Report but hardcopies are available on the table at the back of the room.

3. State Rural Health Policy Recommendations

Marty Fattig asked the members to whom and when do we distribute copies of the recommendations? Dr. Rebecca Schroeder commented that it would have been nice to have been able to give the Legislative Health and Human Services Committee copies of these recommendations today at the confirmation hearing. Roger Wells added that we could use these recommendations as a follow-up to the confirmation hearing and distribute them within the next 2-3 weeks. Mr. Wells stated that the HHS Committee asked questions about what "we" think concerning rural health issues.

Roger Wells moved to approve the State Rural Health Policy Recommendations; renaming it the Rural Health Advisory Commission's Annual State Rural Health Recommendations; and have the Office of Rural Health distribute it to the Governor, Lt. Governor, Legislature, and Nebraska's Congressional Representatives with a cover letter signed by Marty Fattig. Dr. Brian Buhlke seconded the motion. Discussion included having the Office of Rural Health create a final version, removing the edit marks and comments. Kate Boswell commented that under her section (Part VII) she did not make any changes to 1 and 2 but added a third statement and asked for comments from the commission. Marty Fattig stated that all 3 recommendations under Part VII fit well together. Dr. Rebecca Schroeder suggested that a specific cover letter from the RHAC chairperson be sent to the Legislative HHS Committee. Jenifer Roberts-Johnson stated that the State is reducing paper copies so distribution will be by electronic method as much as possible. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None; ABSTAIN: Roberts-Johnson

4. Federal & State Legislation

Marty Fattig distributed a listing of "legislative bills of interest" which he stated came from the Nebraska Hospital Association. Mr. Fattig talked about LB 20, appropriation for the

rural health provider incentive program, stating that he was contacted by Senator Nordquist's office about funding for the rural incentive programs. LB 20 nearly doubles the appropriation for these programs. Mr. Fattig stated that he had to explain the need for cash spending authority to Senator Nordquist and why it is essential for the loan repayment program. A hearing has not been scheduled yet but it may be on March 25, 2013. Dr. Rebecca Schroeder stated that it would be good to have local entities and recipients that have used the rural incentive programs to testify.

Marty Fattig pointed out LB 239 (Senator Wightman), adopt the Nebraska All-Payer Patient-Centered Medical Home Act. This Act would create a Medical Home Advisory Committee but does not include any rural representation. Mr. Fattig stated that he brought this concern to Senator Wightman's office and it is now being considered.

LB 535 (Senator Lathrop), adopt the Prescription Drug Monitoring Act. Mr. Fattig indicated that this Act is intended to reduce the abuse of legal prescription drugs.

LR 22 (Senator Campbell), to convene a partnership of certain legislative committees for health care system transformation. Mr. Fattig stated it was evident at the confirmation hearing today before the HHS Committee that Senator Campbell would like input from the Rural Health Advisory Commission.

Mr. Fattig mentioned several other pieces of legislation including bills to repeal the motorcycle helmet law, expand Medicaid, tobacco tax, health exchanges, a moratorium on licenses under the Health Care Facility Licensure Act, and requiring all licensed health professionals to accept Medicaid.

Concerning federal legislative issues, Marty Fattig, reported that sequestration goes into effect on April 1, 2013. Sequestration will impact Medicare reimbursements including those to Critical Access Hospitals (CAHs) and Meaningful Use funding; all of which will be reduced. Dave Palm stated that federal grants will be impacted, too, by a reduction of 5-10 percent. This will affect the State Offices of Rural Health, FLEX, and SHIP grants along with other federal grants DHHS receives.

Marty Fattig reported that Certified Registered Nurse Anesthetist (CRNA) on-call costs which have been allowed on Medicare cost reports for a number of years. The Center for Medicare and Medicaid Services (CMS) is now looking at those costs and disallowing a lot of those costs unless they are specifically defined in the employment contract. This has a significant impact on CAHs.

Dr. Brian Buhlke commented that this happened to Emergency Departments a few years ago with the "double dipping" law. A physician would get paid for being on-call in the ED and then again for procedures.

Dr. Rebecca Schroeder asked if the bill reducing the age of majority is viewed as a cost-cutting bill. Mr. Fattig responded that it depends on who you ask; some say if you reduce the age of majority those affected are no longer eligible for Medicaid.

Dr. Brian Buhlke reported that he received a letter from CMS concerning Certified Rural Health Clinics (CRHC) that physician assistants and nurse practitioners will not be able to

prescribe in hospital or CRHC and that the physician must be the primary author of all progress notes, discharge summaries, etc. Dr. Buhlke was not sure if this is a proposed ruling or if it is only for specialists. Roger Wells stated that this is contrary to the CRHC rules. Tom Rauner offered to research this issue.

There was a lengthy discussion about members testifying *on behalf of* the Rural Health Advisory Commission. The final decision was to have members testify on their own behalf and identify that they are members of the commission. Marlene Janssen commented that the RHAC is an advisory commission to the legislature and that an advisory letter could be written on behalf of the commission instead of direct testimony.

Ms. Janssen mentioned that during the discussion of LB 20, the commission talked about contacting rural incentive program recipients to testify concerning their experiences and asked if the commission wanted to make a formal motion.

Dr. Rebecca Schroeder moved to have the Office of Rural Health contact selected rural health incentive program recipients to testify on their experiences for LB 20, an appropriation bill to increase the funding for the rural incentive programs. Dr. Scot Adams seconded motion. No further discussion. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

5. 3-Year State Review of State-Designated Shortage Areas

Marlene Janssen reported that guidelines for designating shortage areas and awarding loan repayment are in commission members' packets. Based on 2011 Census data Scottsbluff, Nebraska is now over 15,000 and has been added to the list of rural communities over 15,000. Ms. Janssen also pointed out that the Occupational Therapy (OT) and Physical Therapy (PT) shortage areas will not be reviewed until later this year because the UNMC Health Professions Tracking Service (HPTS) is currently surveying those professions and data will not be available until this summer. HPTS sent a progress report indicating that they have sent out 2,562 OT/PT surveys of which 1,391 were returned. HPTS staff is currently verifying the data and will then prepare the facility survey.

Dr. Mike Sitorius moved to have ORH staff email draft shortage areas to RHAC members for review and approval and then have ORH staff mail the draft shortage areas out for public comment at least 30-days prior to the June 21, 2013 RHAC meeting. Dr. Brian Buhlke seconded motion. No further discussion. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

Marlene Janssen asked the commission to discuss the "Guidelines for Awarding Loan Repayment" that were established by the commission in 1998 when demand for loan repayment was greater than the funds available. This document has been updated several times since 1998. Ms. Janssen pointed out that the guidelines only look at waiting list applicants and not all the applicants that may have applied since the last commission meeting. Sharon Vandegrift suggested that we should look at all the applicants because there may be circumstances that the commission may want to address. Dave Palm stated that with very limited resources this year, the commission should target the applicants that are the best fit with the community recruiting them. These applicants would have the best chance of being successful in a rural practice and would be more likely to stay in a rural area. Dr.

Buhlke agreed stating that communities that have been trying to recruit a health professional for some time should be considered first before a community adding their 3rd or 4th health professional. Dr. Schroeder added that this prioritization is basically what the commission does with student loan applications.

Dr. Sitorius questioned the methodology and changing what the commission does now, which is first come first served. Marlene Janssen explained that the commission uses date of application unless the demand for loan repayment is greater than the state funds available, in which case applications are prioritized based on the guidelines being discussed. After some additional discussion, Marty Fattig stated that more specific details may come out during the closed session that may help members understand this prioritization process. Mr. Fattig suggested that the discussion on prioritization guidelines be continued after the closed session.

6. Program 175 – Rural Incentive Programs

- **Review Budget**

Marlene Janssen reviewed the current budget. Any loan repayment awards made before the end of the fiscal year (June 30, 2013) would be made using cash funds for the state match. If the commission decides not to use these cash funds then (1) the cash remains in the rural incentive cash fund for future use and (2) the cash spending authority of approximately \$37,000 disappears June 30, 2013 which is the end of the fiscal year and biennium. Ms. Janssen stressed that there will not be enough funds to award most of these loan repayment applicants on July 1, 2013 unless there is an increase in the appropriation. This means most of these applicants plus any new applicants between now and the end of the next fiscal year will be moved to a waiting list and may not be approved until July 1, 2014 or after.

Marlene Janssen explained that if the commission should decide to award loan repayment to 3 of the waiting list applicants there would only be \$14,000 of unobligated funds to award loan repayment in FY2013-14. This is because loan repayment contracts are projected out over the 3-year practice obligation. Dr. Sitorius stated that the bottom line is “we don’t have enough money.”

- **Student Loans –**
- **Student Loan Interviews/Interviewers**

Marlene Janssen reported that \$220,000 is budgeted for student loans for each of the next 2 fiscal years (FY14 & FY15). Based on the number of potential continuation student loans for FY14, there is only \$95,000 available for new student loans; the equivalent of 4.5 doctorate level student loans. Ms. Janssen asked the commission to discuss (1) possibly limiting applications to certain groups similar to what was done about 10 years ago with PA students and (2) having a couple of members of the commission review applications on or about June 5 and only interview top candidates.

There was some discussion not to limit student loan applications from certain groups eligible for student loans. The commission agreed to accept all eligible student loan applications but then only interview the top applicants.

Dr. Rebecca Schroeder moved to have a couple of commission members review student loan applications and choose the top candidates to interview. Dr. Mike Sitorius seconded the motion. Discussion: Dr. Schroeder and Dr. Sitorius volunteered to review the applications. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

Dr. Rebecca Schroeder addressed an issue that Marlene Janssen reported to her concerning a Ph.D. student loan recipient. This individual reportedly is having difficulty matching to an internship site. Dr. Schroeder explained that pre-doctorate internships must be approved by the American Psychological Association (APA) and that there are more applicants than sites available. This is a nationwide issue. Pre-doctorate internships are similar to physician residency matching day and last year 800 pre-doctorate candidates did not match. Those 800 candidates are applying again this year along with the new candidates. Dr. Schroeder stated that more sites are needed but that requires APA approval which several years. Dr. Schroeder stated that she contacted a colleague on the licensing board for psychologists. He offered the following suggestions: (1) candidates must apply nationwide and not limit their search; (2) candidates may contact the licensing board to brainstorm ideas; and (3) contact the nationwide clearinghouse because there are always people that drop out.

Marty Fattig asked for volunteers to interview student loan applicants the morning of June 21, 2013. The following individuals volunteered: Dr. Scot Adams, Sharon Vandegrift, Dr. Rebecca Schroeder, Dr. Avery Sides, Roger Wells, and Marty Fattig. (Dr. Shawn Kralik, who was not at the meeting volunteered after being contacted later.)

- **Accounts Receivable**

Marlene Janssen reported on the following rural incentive program accounts receivable:

Student Loan Update (Contract Buyout and Defaults)

Ryan Boyd, dental student – *may* do an in-school buyout (due 5/01/13)
Tracy Pella, LMHP – defaulting effective April 1, 2013, payments beg July 1, 2013
Tom Pratt, DDS – current (left shortage area)
Kimberly Salber, P.A. – moved from shortage area to non-shortage; payments current
Andria Simons, med student – DHHS Legal Services working on collecting
Nick Woodward, DDS Ped – current (left Nebraska after graduating)

Loan Repayment (Defaults – left shortage area for non-shortage area or left Nebraska)

Michelle Dickes, OT – current
Joseph Kezeor, M.D. – current
Amanda Whitenack, APRN – current

7. CLOSED SESSION

- **Review Loan Repayment Applications**
- **Practice Hours Under Rural Incentive Programs**

Dr. Mike Sitorius moved to go to closed session at 3:38 p.m. to discuss the loan repayment applications and practice hours under the rural incentive programs. Dr. Brian Buhlke

seconded the motion. No discussion. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

Marty Fattig announced that the RHAC would go into Closed Session at 3:38 p.m. to discuss the loan repayment applications and practice hours under the rural incentive programs.

8. OPEN SESSION

- **Motion(s) on Closed Session Discussions**

Dr. Mike Sitorius moved to go to Open Session at 4:00 p.m. Dr. Brian Buhlke seconded motion. No discussion. Motion carried. YES: Adams, Boswell, Buhlke, Kent, Roberts-Johnson, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

Dr. Scot Adams, Dr. Brian Buhlke, and Jenifer Roberts-Johnson left at 4:00 p.m.

Dr. Mike Sitorius made a motion to move the following *new* loan repayment applications to the waiting list.

APPLICANT'S NAME	SPECIALTY	COUNTY/COMMUNITY OF PRACTICE
Storm, Christy (Boulos)	NP (FP)	Douglas County (Charles Drew CHC)
Nitsch (Huston), Madison 0.75 FTE PEND LIC	O.T.	Dawes (Chadron) and Sioux Counties
Sjoholm, Amy PEND LICENSE	LMHP	Adams County (Hastings)
Schapmann, Adam	P.A. (FP)	Cedar (Hartington), Pierce, & Knox Cos.
Fisher, Cora 0.9 FTE	NP (IMS)	Lincoln County (North Platte)
Minnick, Kyle	P.T.	Harlan County (Alma)
Law, Melissa	M.D. (Ped)	Hall County (Grand Island)
Law, Joseph PEND LICENSE	M.D. (Ped)	Hall County (Grand Island)
Pierce, Stephani LR amount set by local entity	O.T.	Holt County (O'Neill)
Carty, Maria	DMD	Cherry County (Valentine)
Peterson, Steven	P.A. (FP)	Pierce County (Plainview)
Bergen, Heidi 0.5 FTE	NP (FP)	Clay County (Edgar)

Sharon Vandegrift seconded motion. Discussion: Marlene Janssen asked the commission members how they wanted her to prioritize the loan repayment applications if funding is not available to fund all of the applications. Ms. Janssen reported that the commission had established 'prioritization guidelines' in 1998 and has revised them several times since then. Dr. Sitorius suggested that the Office of Rural Health research how other states prioritize incentive applications and report back to the commission at the next meeting. Motion carried. YES: Boswell, Kent, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

Marty Fattig instructed Marlene Janssen and Tom Rauner from the Office of Rural Health to research how other states prioritize incentive program applications when demand is greater than the funding that is available. Ms. Janssen and Mr. Rauner are to report back to the commission at the June 2013 meeting.

Dr. Mike Sitorius moved to have chairman, Marty Fattig, write an advise letter to DHHS to include definition of practice hours in student loan contracts; noting that the Rural Health

Advisory Commission has used a minimum of 20 hours per week practice time in a shortage area for student loan recipients to qualify for loan forgiveness. Roger Wells seconded the motion. Discussion: Sharon Vandegrift asked for clarification. Marlene Janssen explained that full-time is defined in statute as 40 hours per week but some shortage areas cannot support a full-time health professional. The commission has allowed student loan recipients the option of practicing a minimum of 20 hours per week in a shortage area to qualify for forgiveness under the Nebraska Student Loan Program; however, the recipients must practice for a longer period of time to receive full forgiveness. Practice time is already defined in the loan repayment contracts but not in the student loan contracts. Marty Fattig added that we do not want a student loan recipient practicing 1 hour per week in a shortage area and take 200 years to receive forgiveness! Motion carried. YES: Boswell, Kent, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None

9. Primary Care Office

- **National Health Service Corps Impact**
- **Retention Study**
- **Governor designated Eligible Areas for Medicare Certified Rural Health Clinics**

Due to time, Tom Rauner tabled discussion of the Primary Care Office report until the next commission meeting. Mr. Rauner did state that the Retention Study, a summary is included in the commission members' packets, is available through a link from the Office of Rural Health website. Dr. Sitorius added that based on the study results, Nebraska is already doing most of the recommendations.

**10. (a) Nebraska Workforce 2020 Project
(b) National Committee on Rural Health
& Human Services**

Roger Wells reported that the Nebraska Workforce 2020 Project website is being developed but there is not much information available at this time.

Roger Wells reported that the National Committee on Rural Health & Human Services will be meeting in Nebraska in 2014. Mr. Wells stated that in the interest of time, he will email a written report for distribution to the commission members.

11. Other Business

Kate Boswell reported that the Northeast Nebraska Public Health Department in conjunction with the Norfolk Community College has established a "community health worker" program. Currently funded by grant funds through the local health department, community health workers do health screenings, assist with getting people access to medical and dental health care, help with translation services, and transportation to medical/dental appointments.

12. Adjourn

Sharon Vandegrift moved to adjourn at 4:17 p.m. (no second necessary – vote on immediately!) Motion carried. YES: Boswell, Kent, Schroeder, Sides, Sitorius, Vandegrift, Wells. NO: None