



## RURAL HEALTH ADVISORY COMMISSION

NEBRASKA OFFICE OF RURAL HEALTH  
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### Minutes of the

## RURAL HEALTH ADVISORY COMMISSION

Thursday, September 19, 2013

6:00 – 8:30 p.m.

Fairfield Inn & Suites

Kearney, Nebraska

Members Present: Scot Adams, Ph.D.; Kathy Boswell; Brian Buhlke, D.O.; Marty Fattig; Mark Goodman, M.D.; Mary Kent; Avery Sides, M.D.; Sharon Vandegrift, R.N.; Roger Wells, PA-C

Members Absent: Shawn Kralik, D.D.S.; Jenifer Roberts-Johnson, J.D.; Rebecca Schroeder, Ph.D.; Mike Sitorius, M.D.

Guests Present: Todd Consbruck, Franciscan Care Services, West Point, NE; Noah Piskorski, D.D.S., Burwell, NE; Cindy Sestek, The Physician Network, Grand Island, NE

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

### **1. Call Meeting to Order; Open Meetings Act & Agenda Posted; Adopt Agenda; Approve Minutes of June 21, 2013, Meeting; Introduce Members and Guests**

Chairman Marty Fattig called the meeting to order at 6:08 p.m. with the following members present: Scot Adams, Ph.D.; Kathy Boswell; Brian Buhlke, D.O.; Marty Fattig; Mark Goodman, M.D.; Mary Kent; Avery Sides, M.D.; Sharon Vandegrift, R.N.; Roger Wells, PA-C

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

Dr. Mark Goodman moved to approve the agenda with the following change: *“Omit the subcategories under Agenda Item #6, Primary Care Office Report.”* Dr. Scot Adams seconded the motion. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

Roger Wells moved to approve the June 21, 2013, Rural Health Advisory Commission (RHAC) meeting minutes with the following correction: *“Under Agenda Item #7, Dr. Wayne Moss’ loan repayment application should be moved to the waiting list with an estimated loan repayment start date of August 1, 2014.”* Dr. Brian Buhlke seconded the motion. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

Marty Fattig asked the Commission members, rural health staff, and guests (if they want to) to introduce themselves. Mr. Fattig stated this is Sharon Vandegrift’s final Commission meeting and thanked her for her contribution over the years for serving as the rural nurse representative on the Commission.

## **2. Administrative Announcements**

- **Next Meeting: Friday, November 22, 2013, 1:30 p.m. in Lincoln**
- **Discuss Nominations for Chair and Vice-Chair**
- **Other**

Marty Fattig announced that the next Rural Health Advisory Commission (RHAC) meeting is scheduled on Friday, November 22, 2013, at 1:30 p.m. in Lincoln, Nebraska. Further details will be mailed out as the date approaches and asked members to mark their calendars.

Marty Fattig stated he would be willing to serve another year as the Commission chair, and, possibly, Rebecca Schroeder may serve as vice-chair. Nominations and official voting for the chair and vice-chair will be done at the November meeting.

Mr. Fattig reported that Roger Wells, P.A.C. was awarded the UNMC Physician Assistant Alumni Chapter, Distinguished Alumnus Award this summer. In addition, today the Nebraska Rural Health Association presented him with the Award of Excellence. Mr. Fattig stated we are honored to have Roger Wells on this commission.

With no other announcements, Marty Fattig said the Commission would take a short break for dinner. NOTE: Dinner break was from 6:20 p.m. to 6:40 p.m.

## **3. 3-Year Statewide Review of State Designated Shortage Areas**

- **Additions During Public Comment Period**
- **Progress Report – PT/OT Shortage Areas**
- **New Requests**
  - **Chase County (Family Practice)**
  - **Rock County (Family Practice)**
  - **Charles Drew CHC (Omaha) (Family Practice and General Dentistry)**

Marlene Janssen reported that at the June 21, 2013, meeting the commission made a motion to have the Office of Rural Health review public comments and, if appropriate, make changes to the proposed shortage areas during the public comment period which was scheduled to end July 1, 2013. Ms. Janssen reported that Scotts Bluff County qualifies as a psychiatric/mental health shortage area based on information submitted and verified by the UNMC Health Professions Tracking Services. In addition, Norfolk Community Health Center submitted a request for designation as a family practice and general dentistry shortage area and West

Central District Health Department submitted a request for designation as general dentistry shortage areas. These three areas were added to the state-designated shortage area listing.

Marlene Janssen gave a progress report on the physical therapist (PT) and occupational therapist (OT) survey project by the UNMC Health Professions Tracking Services (HPTS). HPTS sends out two individual surveys and two facility surveys followed by telephone calls to obtain the best possible response rate. According to HPTS, they have had an overall response rate of 66 percent which is about the response rate they get from other health professional surveys. Initial data may be available around October 1, 2013.

Marlene Janssen reported that the following new shortage area requests have been received: Chase County (family practice), Rock County (family practice), and Charles Drew Community Health Center (family practice and general dentistry). These requests were verified and meet the shortage area guidelines. If approved by the commission, Chase and Rock Counties' shortage area designations will be effective September 1, 2013 and Charles Drew Community Health Center's request would be effective August 1, 2013. These dates are based on when the requests were submitted and/or the effective date of the changes.

Dr. Mark Goodman moved to approve the following sites as state-designated shortage areas for the specialties shown: Chase County (Family Practice) effective September 1, 2013, Rock County (Family Practice) effective September 1, 2013, and Charles Drew CHC (Omaha) (Family Practice and General Dentistry) effective August 1, 2013. Dr. Scot Adams seconded the motion. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

#### **4. Update on Federal & State Legislation**

Marty Fattig summarized legislative issues. At the state level, additional funding for the rural incentive programs did pass, the bill to expand Medicaid did not pass, the tax study resolution passed, and the health care transformation work group is in progress. Mr. Fattig stated that he was invited to participate in this work group.

On the federal level, Marty Fattig reported that the physician supervision issue is still a concern for rural hospitals along with determining what outpatient therapeutic procedures can be done without direct physician supervision. These same therapeutic procedures can be done as in-patient procedures with general physician supervision.

Physician payment under Medicare is an ongoing issue.

The Affordable Care Act includes cuts to Disproportionate Share Hospital (DSH) payments, Medicaid expansion, and Exchanges (marketplaces). The Debt Reduction Act is in place and will affect Critical Access Hospitals (CAHs). Payments will be reduced from 101 percent to 100 percent; CAHs cannot be less than 10 miles apart; and nationally there will be CAH closures. Mr. Fattig stated that Nebraska's CAHs should not be affected by the 10-mile rule.

Regarding "Meaningful Use" (electronic health records), Mr. Fattig reported that a regulatory change is being considered to extend the time periods because vendors cannot keep up with the demand.

Recovery Audit Contracts (RAC) audits are contracts through CMS to private contractors to audit Medicare and Medicaid payments to providers. RAC audits are still a big concern to providers. RAC contractors receive a percentage of what they recover. One of the most frequent findings is “one day stays.” RAC has decided that one day stays did not need to happen and the hospital, if they agree with the finding, is not allowed to rebill the claim. The American Hospital Association has filed a lawsuit because of the negative economic impact these audits have on hospitals.

## **5. A. Nebraska Workforce 2020 Project**

### **B. National Committee on Rural Health & Human Services**

Roger Wells reported that the Nebraska Rural Health Association is working on a grant to solicit funds for the Nebraska Workforce website.

Roger Wells is a member of the National Committee on Rural Health & Human Services and provided a written report to the commission members. In summary, a white paper of the recommendations is being written and the number one recommendation is to allow mid-levels to practice at the maximum level of their scope of practice and abilities.

Mr. Wells provided a summary of Nebraska’s new physician assistant regulations. Legislation was passed in 2009 but the regulation process took several years. The new regulations were finally approved in August 2013 and became effective as of September 1, 2013. These new regulations primarily affect the supervision of physician assistants.

## **6. Primary Care Office Report**

Tom Rauner reported that he is working on the federal, “governor-approved primary care” shortage areas. These shortage areas are used for qualifying new certified rural health clinics. Mr. Rauner explained that he uses the commission’s family practice shortage areas and backs-out physicians working in certified rural health clinics to avoid a yo-yo effect. At the June 2013 meeting, the commission approved the process for determining “governor-approved primary care” shortage areas.

Mr. Rauner is continuing to work on the rural incentive program retention study with Dr. Don Pathman from the University of North Carolina. Web-based software has been developed so health professionals can complete the survey electronically. National Health Service Corps recipients have been surveyed and Mr. Rauner is working on the Nebraska rural incentive retention study and planning to survey J1 Visa doctors.

## **7. Program 175 – Rural Incentive Programs**

- **Corrections/changes to Loan Repayment approvals from June 2013 Meeting**
- **Review Current Budget**
- **Accounts Receivable Report**

Marlene Janssen reported that Marshall Keith Brown, M.D. and Maria Carty, D.M.D. declined the loan repayment awards offered by the commission at the June 2013 meeting because they are leaving the shortage areas. Kyle Minnick, P.T. has been assigned to a non-shortage area temporarily and has asked that his loan repayment application be moved to the waiting list.

Ms. Janssen reported that if the new loan repayment applications are approved, the rural incentive program obligations for FY2013-14 will total \$2,221,444. The cash transfer of \$1.5M was deposited in the student loan subprogram cash fund in order to keep track of the state match separately from the local match for loan repayment. The commission can spend \$500,000 of these funds in FY2013-14.

There is currently about \$580,000 left in cash spending authority, if the new loan repayment applications are approved. Loan repayment requires cash spending authority for both the state and local match so this amount needs to be divided by 2 to show the available funds for loan repayment awards for the rest of FY2013-14. Any cash spending authority left at the end of this fiscal year may be carryover to FY2014-15. Ms. Janssen emphasized that cash spending authority can only be used if there is cash available to spend.

Marlene Janssen provided the following accounts receivable report:

**Student Loan Update** (Contract Buyout and Defaults)

Stephanie Ebke, dental student, - in-school buyout, payments current, payoff date 5/1/2015  
Danial Hanlon, Dental – in-school buyout, payments current, payoff date 5/1/2015  
Tamara Kenning, LMHP – defaulting, payments current  
Tracy Pella, LMHP – defaulting effective April 1, 2013, payments current  
Tom Pratt, DDS – current (left shortage area), payments current  
Andria Simons, med student – DHHS Legal, received judgment, now working on collecting  
Nick Woodward, DDS Ped – (left Nebraska after graduating), payments current

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

Ashley Gunderson, P.A. – leaving Aurora to practice in Lincoln, default 7/1/2013  
Joseph Kezeor, M.D. – current  
Paul Willette, M.D. (general surgeon) – is leaving Nebraska, default 7/1/2013

There was a discussion about recruitment and retention and where medical students grow up; rural versus urban. Rural high school students do not have the same opportunities to shadow health professionals nor do they have the same educational opportunities. A lot of things have to happen along the way for rural students to get to medical school. Once these students complete medical school they have to be accepted into a residency program and residency slots are very competitive. It was suggested that an evaluation study be done to review the rural incentive programs which started in the 1980s and 1990s (Rural Health Opportunities Program, Rural Health Education Network, loan repayment, rural student loan program) to recommend changes to meet the current demand. It is not just about throwing money at the problem, it is about education, talent, and time.

**8. CLOSED SESSION**

- **Student Loan Requests**
- **Loan Repayment Applications**

Dr. Mark Goodman moved to go to closed session at 8:00 p.m. to discuss the student loan requests and loan repayment applications. Dr. Scot Adams seconded the motion. Motion carried. YES: Adams, Boswell,

Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

Marty Fattig announced that the Commission would go into Closed Session at 8:00 p.m. to discuss the student loan requests and loan repayment applications.

**9. OPEN SESSION**

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

Roger Wells moved to go to Open Session at 8:12 p.m. Dr. Brian Buhlke seconded motion. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

Dr. Mark Goodman moved to advise the Office of Rural Health to defer Shelly Bausch’s practice obligation under the Nebraska Rural Health Student Loan Program due to personal hardship for up to six (6) months with documentation from Ms. Bausch’s health care provider. The Office of Rural Health is to report back to the Rural Health Advisory Commission on Ms. Bausch’s progress. Dr. Brian Buhlke seconded motion. Discussion: Marlene Janssen explained that this type of situation occurred a few years ago and the Office of Rural Health, as advised by the commission, collected progress reports on the health professional’s recovery process. The same procedures would be used in this case. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

Dr. Scot Adams moved to advise the Office of Rural Health to accept student loan recipient, Lawrence Chatters’ request to extend his graduation date due to family medical leave and a change in educational program requirements concerning internship and dissertation. Mr. Chatters’ graduation date will be in 2015 at the earliest. Dr. Brian Buhlke seconded motion. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

Dr. Mark Goodman moved to approve the following loan repayment applications with estimated loan repayment start dates and loan repayment amounts as indicated or as determined by Office of Rural Health staff based on issuance of license and/or loan documentation:

Applicant’s Name	Estimated LR Start Date	Specialty	County (Community)	Est. Amt Loan Repay
Dangberg, Joseph	07/01/2013	MD (FP)	Thurston County (Pender)	\$92,426.00
Sterud-Blanche, Staci	08/01/2013	NP (FP)	Madison County (Norfolk CHC)	\$60,000.00
Patterson, Frank	09/01/2013	DDS (Gen'l)	Cherry County (Valentine)	\$120,000.00
Graves, Daniel	09/01/2013	DDS (Gen'l)	Cherry County (Valentine)	\$120,000.00
Kluender, Konni	10/01/2013	NP (Psy)	Adams, York, Fillmore, Merrick	\$21,728.00

and move the following loan repayment applications to the waiting list:

Applicant's Name	Estimated LR Start Date	Specialty	County (Community)
Kyle Minnick, P.T.	02/01/2013	P.T.	Harlan County (Alma)
Bowland, Terri <b>PROBATION ENDS 5/11/14</b>	06/01/2014	D.O. (FP)	Box Butte County (Alliance)
Sjoholm, Amy <b>PEND LICENSE</b>	02/01/2014	LMHP	Hall County (Grand Island)

Dr. Brian Buhlke seconded motion. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

#### 10. Other Business

- **National Rural Health Day (November 22, 2013)**
- **Federal Office of Inspector General (OIG) Report (August 2013)**
- **Other**

Marlene Janssen discussed potential National Rural Health Day activities that are being considered in Nebraska. Ms. Janssen, Dave Palm, and Marty Fattig (Rural Health Advisory Commission) met with the executive director of the Nebraska Rural Health Association (NeRHA). NeRHA is pursuing media coverage through the KOLN/KGIN TV program, Pure Nebraska to feature rural health care stories in Nebraska. Marty Fattig also reported that NeRHA is contacting KRVN radio in Lexington and the Nebraska Education Television (NET) radio.

Marty Fattig stated that last year the commission sent letters to the rural incentive program recipients, Governor, Lt. Governor, State Senators, and congressional representatives. A sample of last year's letters was provided to each commission member.

Dr. Mark Goodman moved that Chairman Marty Fattig send letters from the Rural Health Advisory Commission to current rural incentive recipients in practice, the Governor, Lt. Governor, State Senators, and congressional representatives in celebration of National Rural Health Day. Sharon Vandegrift seconded motion. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.

Marty Fattig reported that the Office of the Inspector General came out with a report recommending doing away with the "necessary provider status" rule which most of the Critical Access Hospitals were organized under. There is a letter going around in the Senate in opposition to the recommendations in this report. The fact that Congress requested the study is of great concern for rural health care and Critical Access Hospitals. Mr. Fattig also mentioned that there is another report coming out concerning swing-bed payments.

Marty Fattig discussed a situation that is happening in Brown County (Ainsworth). They have one general internal medicine physician and they want to hire a mid-level. Marlene Janssen explained that the mid-level specialty is determined by the specialty of the supervising physician, in this case an internal medicine physician. With a population of around 3,000 and one physician, Brown County is not a general internal medicine shortage area. It is, however, a family practice shortage area but the mid-level needs to be supervised by a family practice physician and there is not one in the area to provide that supervision. Brown County wants to offer the mid-level practitioner loan repayment but they do not qualify under these circumstances.

There was a discussion about having a transition period. Marlene Janssen pointed out that it is the commission that determines the state-designated shortage areas and there is always going to be someone on the wrong side of the line. The commission also needs to remember that state funds are limited and the more shortage areas the greater the demand will be for the available funds.

Marty Fattig referred commission members to the article in the folder concerning Medicaid expansion. The working poor in states that did not expand Medicaid have few options to help them buy health insurance under the Affordable Care Act.

## **11. Adjourn**

Dr. Scot Adams moved to adjourn at 8:37 p.m. No second is necessary. Motion carried. YES: Adams, Boswell, Buhlke, Goodman, Kent, Sides, Vandegrift, Wells. NO: None. Excused: Kralik, Roberts-Johnson, Schroeder, Sitorius.