

**Minutes of the**  
**RURAL HEALTH ADVISORY COMMISSION**

**Wednesday, September 15, 2010**

**Holiday Inn Convention Center**  
**Kearney, Nebraska**

**Members Present:** Scot Adams, Ph.D.; Kathy Boswell, Doug Dilly, M.D., Marty Fattig, Zach Frey, D.O., Shawn Kralik, D.D.S., Peggy Rogers, Rebecca Schroeder, Ph.D., Sharon Vandergrift, R.N., Roger Wells, P.A.C.

**Members Absent:** Mark Goodman, M.D., Mike Sitorius, M.D., Jackie Miller

**Office of Rural Health (ORH) Staff Present:** Dennis Berens, Marlene Janssen, Deb Stoltenberg

**Guests:** Patrik Johansson, M.D., M.P.H., UNMC College of Public Health; David Brown, Ph.D., UNMC College of Dentistry

**1. Call Meeting to Order; Open Meetings Act & Agenda Posted; Adopt Agenda; Approve Minutes of June 18, 2010, Meeting; Introduce Members and Guests**

Dr. Rebecca Schroeder, Chair, called the meeting to order at 6:37 p.m. She announced that the Open Meeting Act and agenda were posted by the door.

Dr. Doug Dilly moved to adopt the agenda with the following changes to Item 6, closed session: (1) Kelli Platek's loan repayment application will be discussed separately from the group of loan repayment applications because Roger Wells may have a conflict of interest and (2) a request to advise ORH not to charge interest for the month of July on Dr. Augustyn's student loan contract buyout. Marty Fattig seconded the motion. Motion carried. YES: Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Adams, Goodman, Miller, and Sitorius.

Roger Wells moved to approve the minutes of the June 18, 2010, meeting. Sharon Vandergrift seconded the motion. Motion Carried. Yes: Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Adams, Goodman, Miller, and Sitorius.

Guests, members, and staff introduced themselves. Dr. Rebecca Schroeder welcomed the newest commission member, Dr. Zach Frey. Dr. Frey was appointed as the “family practice resident” on the commission.

## **2. Administrative Announcements**

- **Review Rules for Meal Reimbursement**

Deb Stoltenberg, Office of Rural Health, reviewed the rules for meal reimbursement stating that itemized receipts are now required.

(Scot Adams, Ph.D. arrived at 6:41 p.m.)

- **Next Meeting – November 12, 2010, 1:30 p.m. in Lincoln**

Dr. Rebecca Schroeder announced that the next meeting will be November 12, at 1:30 p.m. in Lincoln.

- **Discuss Nominations for Chair and Vice-Chair**

Dr. Schroeder called for nominations for Chair and Vice-Chair of the Rural Health Advisory Commission. Dr. Schroeder and Dr. Doug Dilly stated they would serve another year as chair and vice-chair, respectfully, if nominated. The positions are scheduled to be voted on at the November meeting.

Dr. Rebecca Schroeder informed members that their meeting packets contained a list of Commission members with addresses and phone numbers. Marlene Janssen asked that members let her know if anything needed to be corrected. The Nebraska Office of Rural Health must have a list available for the public.

Dr. Schroeder suspended the meeting from approximately 6:50 p.m. to 7:05 p.m. for dinner.

## **3. State Designated Shortage Areas**

- **Update**

Marlene Janssen announced that the state shortage areas approved at the June 18, 2010, Commission meeting went into effect July 1, 2010. No additions or changes were made since the June meeting. The list is on the DHHS, Division of Public Health, Office of Rural Health’s web site.

- **Requests**

Ms. Janssen stated that Phelps County submitted a request for a state-designated general surgery shortage area. Ms. Janssen explained that this will be the first use of the new shortage area guidelines concerning “full employment.” The population for the Phelps County does not meet the level of population needed for a general surgery placement;

however, the newly approved guidelines allow for consideration of “full employment” based on population. In this case, Phelps County could support up to 0.9 full-time equivalency (FTE) general surgeon(s). Ms. Janssen reported that Phelps County has 0.6 FTE general surgeons and is not at full employment.

Dr. Scot Adams moved to approve Phelps County as a state-designated general surgery shortage area based on the full-employment guideline. Dr. Doug Dilly seconded the motion. Motion Carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

Marlene Janssen reported that Senator Kent Rogert has submitted a request to the Commission to discuss the 50-mile radius for general dentistry. Senator Rogert thinks some rural counties could benefit from setting the radius to a 25-mile radius. Marty Fattig stated he spoke to Senator Rogert at a meeting last week. According to Mr. Fattig, Senator Rogert believes that it is unfair of the Commission to say that anything within a 50-mile radius does not qualify as “rural.” Mr. Fattig reported that Senator Rogert pointed out that a 25-mile radius is used for family practice; whereupon, Mr. Fattig explained the “golden hour” for medical emergencies. While dentistry is important, it is not likely to be a life threatening issue. The Commission reviewed the discussion from the June meeting and came to the same conclusion. With limited program funds at this time, the commission needs to focus on the higher need areas.

Marlene Janssen reviewed parts of the Rural Health Systems and Professional Incentive Act for the commission. While “rural” is defined in the Act, it is used for appointments to the Rural Health Advisory Commission. There are statutory guidelines for designating shortage areas. One of these guidelines is “*inaccessibility of health care services to residents of an area.*”

The Commission thought there was a need for more communication with the senator. Dr. Shawn Kralik offered to talk with the senator. He had looked at the area himself for a satellite office but felt the town did not meet his criteria because of other general dentists in the area and the proximity to Omaha. He offered to talk to Senator Rogert.

Roger Wells moved to have Dr. Shawn Kralik talk with Senator Rogert about “rural” and “shortage areas” and have Dr. Rebecca Schroeder send a letter to Senator Rogert on behalf of the Rural Health Advisory Commission. Peggy Rogers seconded the motion. Motion carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

Marlene Janssen presented a request from Nance County regarding an occupational therapist practicing in the county. A local entity in Nance County and an O.T. had contacted Ms. Janssen in June about submitting an application for loan repayment. Instead of submitting the application in June, they waited until August. Unfortunately, new shortage areas took effect July 1, 2010. The occupational therapist lives in Nance County so is counted in the number of licensed OTs in the county. Nance County no longer meets the shortage area criteria. After discussing the issue, the Commission

agreed that this is an unfortunate situation but they could not make an exception to the guidelines. Ms. Janssen will send the occupational therapist and local entity notification of the commission's decision.

#### **4. Reports**

- **Policy Committee**

The Policy Committee Report was presented by Marty Fattig. Physician supervision is still a huge issue in rural hospitals. The Center for Medicare and Medicaid Services (CMS) had decided on a different interpretation of physician supervision for therapeutic procedures. CMS has always believed that direct physician supervision is needed for therapeutic care, which is not diagnostic care. Direct physician supervision means a physician is in the hospital during therapeutic care. CMS backed away from this slightly by saying they will not enforce it this year; however, they have not dropped the issue entirely. Mr. Fattig stated that the Critical Access Hospitals (CAHs) want *general physician supervision* which would mean access to the patient within a reasonable amount of time by the physician. Mr. Fattig is working with a professional delegation and with CMS. While CMS has said that a midlevel could provide supervision, many hospitals do not have a midlevel on their staff.

Marty Fattig is working on the physician payment issue for Medicare services. The new legislation will result in a 21% decrease in physician payments for Medicare services. A temporary fix was instituted but it will end in November, 2010. We need to make the temporary fix permanent.

Marty Fattig stated that he is still working on the Health Information Technology issues with "meaningful use." The deadline is 2015 for Electronic Health Records (EHR) and meaningful use. If hospitals do not have an EHR system in place by 2015 they cannot receive funding to implement a system and they get penalized through reduced reimbursement rates.

Dennis Berens, Office of Rural Health, pointed out that there is no upfront funding for Meaningful Use. Mr. Berens also pointed out that qualified Information Technology (IT) staff will be needed at hospitals and they need to be available 24/7. We need to work together for the benefit of everyone.

Mr. Fattig reported that there are unfunded mandates in the health care reform legislation. One of the issues is how Nebraska will fund Medicaid. One of the things hospitals are considering is a provider assessment, basically a tax on themselves, with funds going into a pool to fund Medicaid. This would be a Nebraska specific tax. While CMS believes the unfunded mandates will be dealt with in the future, the fear is that the money will be put into a fund for all states and would not come back to Nebraska.

Denny Berens reported on the Community Health Paramedics Project. It was piloted in Minnesota and similar projects have started in other states. This is a new model for community health using a community health paramedic. Basically, this model would use

Community Health Paramedics with advanced training in areas where health services are limited and/or primary care is not readily available. A meeting was held in Grand Island to introduce this new direction for a Community Health Paramedic. The plan is for a curriculum to be offered in the State beginning in 2011.

- **Workforce 2020 Project**

Roger Wells reported that he attended a Workforce 2020 Project meeting sponsored by the Nebraska Rural Health Association in August. The first initiative was to identify the workforce study sponsored by the University of Nebraska Medical Center. The study, published by the University of Nebraska Medical Center for Rural Health Research, included the following recommendations:

- a) Create a state health workforce center.
- b) Support targeted ongoing data collection to monitor health workforce and future requirements.
- c) Support and enhance focus on interdisciplinary, team-based approaches aimed at both educational and provisional services.
- d) Proactively address health provider shortages, maldistribution at the state level through the development of comprehensive health workforce criteria and shortage designations.
- e) Expand the role of pipeline programs aimed at provider shortage areas in primary care.
- f) Increased funding for current debt relief programs aimed at the recruitment and retention of healthcare professionals.
- g) Establish new and streamline existing community partnerships aimed at health workforce development.

The group identified a number of considerations for the future including investigation of the Department of Justice community-based grants for development of underlying resources, Department of Labor workforce investment, and planning initiatives.

State orientation toward the development of a generalized workforce center would be an ideal area to analyze and develop strategies and opportunities and address the workforce challenges, training, and recruiting for Nebraska practices and communities.

The group also distributed a list of potential leadership contacts and members.

Mr. Wells requested that the Commission appoint him to represent them at these meetings. Dr. Doug Dilly stated that workforce is a huge issue for the future of rural health care and moved to have Roger Wells represent the Rural Health Advisory Commission on the Workforce 2020 Project. Dr. Shawn Kralik seconded the motion. Motion carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

- **Legislative Updates**

Scot Adams, Ph.D., reported that the Department of Health and Human Services (DHHS) has identified 19 areas of interest for Legislative action. These proposals were then reviewed by the Governor's Policy and Research Office (PRO). Seven of the 19 proposed actions were approved by PRO. The seven approved legislative proposals include:

- 1) Improvements to child support enforcement program
- 2) Change criminal assault statutes at the Youth Rehabilitation Training Centers in Geneva & Kearney
- 3) Change juvenile code, modify where Judges can refer juveniles for evaluation
- 4) Repeal water and sewage loan inspection fee law and amend the Water Well Standards and Practice Act (This is clean-up legislation.)
- 5) Medicaid clean-up (mostly changing dates)
- 6) Tribal health authorities (adding them to the list DHHS communicates with when something comes up)

#### 5. **Program 175 Rural Incentive Program**

- **Rural Health Advisory Commission's Authority**

Marlene Janssen reported that she has been working with one of the DHHS attorneys concerning the Commission's authority in awarding loan repayment to a former rural incentive program recipient that has defaulted on a previous rural incentive program contract. According to the DHHS attorney, the previous default and the fact of any outstanding indebtedness could influence negatively on the health professional's ability to participate in the loan repayment program; however, there is nothing in the statute to prevent the Commission from awarding loan repayment to the health professional. The Commission can require the loan to be repaid before starting another rural incentive program contract.

- **Loan Repayment Updates**

Ms. Janssen reported that three loan repayment applicants have withdrawn from the program before signing contracts: Brian Nice, P.A. (Jefferson County), Robert Broekmeier, APRN (Pierce County), and Geriann Dillender, PsyD (Gage County). Due to administrative issues within DHHS, Mindy Abel's (psychologist in Buffalo County) contract was delayed. It has now been signed and we will be paying her loan repayment back to October 1, 2009.

Marlene Janssen reported that Shane Merchant, a P.A. student, declined the student loan offer. This means there were 10 continuation student loans and 7 new student loans. Ms. Janssen reported that of the 17 student loans this year there are 6 dental students, 2 medical students, 2 P.A. students, 6 master's level mental health students, and 1 doctorate-level mental health student.

- **Review Current Budget and Future Needs**

Marlene Janssen reported that according to DHHS Accounting Division the projected balance of the student loan cash fund will be just over \$1M. Based on the student loan defaults, we do not have projections of \$170,000 to \$192,000 in student loan defaults as Accounting suggests. Ms. Janssen stated she believes the additional revenue is from investment income. According to Ms. Janssen, the projected student loan cash fund balance at the end of FY2010-11 will be around \$676,000 of which \$250,000 is the Merck settlement cash that was transferred to the rural incentive cash fund in FY2008-09. Once the Merck funds are gone that funding source will be gone and we will need additional funding to maintain the level of student loan and loan repayment awards beyond FY2011-12.

- **Accounts Receivable Report**

Marlene Janssen stated that contract buyouts and defaults under the rural incentive programs are a matter of public record. At least three payment notices are sent to the address of record for student loan accounts by the program manager. If the recipient in default does not respond, the account is turned over to DHHS Legal Division for collection.

Ms. Janssen reported on the following accounts receivable:

**Student Loan Contract Buyouts and Defaults**

Rachel Blake, M.D. – payment currently due  
Cari (Brunner) Sughrue – 2<sup>nd</sup> past due notice sent 8/31/10  
Mary Metschke, D.D.S. – current  
Nicole Mitchell, M.D. – settlement agreement signed with consent judgment; rec'd 1<sup>st</sup> payment 9/3/10 (she is in practice in Tennessee now)  
Carrie Ramsey, PA – began paying July 1, 2010  
Stacy Schmitz, DDS – Paid-In-Full  
Les Veskrna, MD – current  
Nick Woodward, DDS-Ped – current

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

Manda Clarke, APRN – current  
Michelle Dickes, OT – never worked in the shortage area as required, both HP and local agency breached contract, 1<sup>st</sup> payment due October 1, 2010 state match only  
Kelley Hanau, APRN – current  
Richard Michael, MD – current  
Lisa Stenvers, P.A. – current

## **6. CLOSED SESSION**

- **Review Loan Repayment Applications**
- **Request to Terminate Loan Repayment Contract**

Dr. Shawn Kralik moved to go into Closed Session to discuss loan repayment applications and a request to terminate a loan repayment contract at 8:25 p.m. Dr. Doug Dilly second is needed. Motion Carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

Dr. Rebecca Schroeder announced that the Commission would go into closed session to discuss loan repayment applications and a request to terminate a loan repayment contract at 8:25 p.m. Dr. Schroeder asked nonessential staff and guests to please leave the room.

(Roger Wells stepped out at 8:25 p.m., returned at 8:30 p.m.)

## **7. Open Session**

- **Motions on Closed Session Discussions**

Dr. Doug Dilly moved to return to Open Session at 8:35 p.m. Dr. Shawn Kralik seconded the motion. Motion Carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

Marty Fattig moved to approve the following loan repayment applications and advised the Office of Rural Health on the loan repayment practice start dates as shown:

Brandi Schaefer, APRN (FP), Colfax County, September 1, 2010

Lisa Montgomery, APRN (FP), Antelope County (Tilden), August 1, 2010

Jayne Robbins, APRN (FP), Johnson County, November 1, 2010

Terrie Spohn, APRN (FP), Johnson County, October 1, 2010

Robert Broekmeier, APRN (FP), Pierce County, September 1, 2010

Douglas Hentzen, M.D. (IMS), Adams County, October 1, 2010

Dr. Doug Dilly seconded the motion. Motion Carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

Marty Fattig moved to approve Kelli Platek, P.A. (FP), (Howard and Greeley Counties) loan repayment application and advised the Office of Rural Health to begin loan repayment on August 1, 2010. Dr Doug Dilly seconded the motion. Roger Wells recused himself from the discussion and vote regarding Kelli Platek, P.A. (FP) because Ms. Platek will be working at the same clinic where he works. Mr. Wells stated that he is not and will not be involved in any of the administrative aspects of Ms. Platek's loan repayment contract. (NOTE: According to Accountability and Disclosure Commission, Mr. Wells does not have to file a C-2.) Motion Carried. Yes: Adams, Boswell, Dilly,

Fattig, Frey, Kralik, Rogers, and Vandergrift; NO: None; Abstain: Wells; Absent: Goodman, Miller, and Sitorius.

Roger Wells moved to advise the Office of Rural Health not to charge Dr. Bobbi Augustyn interest for the month of July on her student loan contract buyout due to staff medical leave in July. Dr. Doug Dilly seconded the motion. Motion Carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

Roger Wells moved to advise the Department of Health and Human Services, Division of Public Health to cancel Rebecca Cyza's Nebraska Loan Repayment Program contract due to total and permanent disability pending a formal letter from her physician. Dr. Doug Dilly seconded the motion. Motion Carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.

## **8. Other Business**

Denny Berens announced that the Robert Wood Johnson Foundation is currently taking nominations for community health leaders. They are looking for community health leaders in mid-career who have had a significant impact in their communities.

Denny Berens handed out a research study about the satisfaction with distance learning for health professionals.

## **9. Adjourn**

Dr. Doug Dilly moved to adjourn the Rural Health Advisory Commission meeting at 8:44 p.m. No second is necessary. Motion Carried. Yes: Adams, Boswell, Dilly, Fattig, Frey, Kralik, Rogers, Vandergrift, and Wells; NO: None; Absent: Goodman, Miller, and Sitorius.