

## **NEBRASKA BOARD OF MEDICINE AND SURGERY**

### **MEETING MINUTES**

**January 22, 2016**

#### **ROLL CALL**

The meeting of the Board of Medicine and Surgery was called to order by Chairman, Jeff Howorth, at 9:01 a.m. on January 22, 2016, in the Lighthouse Room, Country Inn & Suites, 5353 N 27<sup>th</sup> Street, Lincoln, Nebraska. The following members answered the roll call:

Jeffrey L. Howorth, Chair  
Carl Smith, MD, Vice-Chair  
Mark Goodman, MD, Secretary  
Judith Scott, DO  
Todd Stull, MD  
Michael Bittles, MD  
Karen Higgins, MD

Absent: Merle Henkenius

A quorum was present and the meeting convened.

Also present to participate in the meeting: Kathie Lueke, Program Manager, Kelli Dalrymple, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General, Lisa Anderson, Assistant Attorney General, Jeff Newman, Investigator; Kathy Krueger, Investigator, Carla Cue, Investigator, Investigations Unit; Suzanna Glover-Etrich, Department Legal Counsel; Anna Harrison, Compliance Monitor, Licensure Unit.

#### **REVIEW OF AGENDA**

##### Adoption of Agenda

Smith moved, seconded by Scott, to approve adoption of the agenda. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

#### **APPROVAL OF MINUTES OF THE MEETING**

Bittles moved, seconded by Smith, to approve the minutes of the meeting for December 4, 2015, with the stated changes. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

#### **NEW ASSISTANT ATTORNEY GENERAL**

The Board of Medicine welcomed Mindy Lester the new Assistant Attorney General who will be working with the Board.

#### **INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW**

Goodman moved, seconded by Scott, to go into closed session at 9:05 a.m. for the purpose of review of investigational and disciplinary reports and other closed session items as identified on the agenda. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

Goodman and Stull recused themselves from the meeting at 9:06 a.m.  
Goodman and Stull rejoined the meeting at 9:07 a.m.

Smith recused himself from the meeting at 9:11 a.m.  
Smith rejoined the meeting at 9:13 a.m.

Anderson and Lester recused themselves from the meeting at 9:33 am.  
Glover-Etrich joined the meeting at 9:33 am.  
Anderson and Lester rejoined the meeting at 9:35 am.

Smith and Goodman recused themselves at 9:38 am.  
Smith and Goodman rejoined the meeting at 9:40 am.

Goodman moved, seconded by Smith, to open the session at 9:58 a.m. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

### **BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE**

#### Physician and Osteopathic Physician Application(s)

GRACE, CHRISTOPHER - application for a license to practice medicine and surgery. Higgins moved, seconded by Bittles, to recommend issuance of a license. Voting aye: Howorth, Stull, Goodman, Bittles and Higgins. Voting nay: Smith and Scott. Absent: Henkenius. Motion carried.

LE, QUAN - application for a license to practice medicine and surgery. Bittles moved, seconded by Smith, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

BURROWS, JASON - application for a license to practice medicine and surgery. Bittles moved, seconded by Higgins, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

HARRINGTON, CATHERINE - application for a license to practice medicine and surgery. Scott moved, seconded by Bittles, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

LEE, FRANCIS - application for a license to practice medicine and surgery. Scott moved, seconded by Smith, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

SMITH, ROBIN - application for a license to practice medicine and surgery. Bittles moved, seconded by Smith, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

SHAH, ANAND - application for a license to practice medicine and surgery. Scott moved, seconded by Goodman, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

BRUNELLE, KERMIT - application for a license to practice medicine and surgery. Higgins moved, seconded by Smith, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

#### Physician and Osteopathic Reinstatement

OURAD, MICHAEL - application for reinstatement of a license to practice medicine and surgery. Higgins moved, seconded by Smith, to recommend reinstatement of the license. Voting aye: Howorth, Smith, Scott, Bittles and Higgins. Abstain: Stull and Goodman. Voting nay: none. Absent: Henkenius. Motion carried.

#### Physician and Osteopathic Reinstatements after Discipline

KASSELMAN, JEFF - application for reinstatement after discipline of a license to practice medicine and surgery. Smith moved, seconded by Higgins, to approve requested removal of probationary terms and conditions on the license. Voting aye: Howorth, Smith, Scott, Stull, Goodman. Voting nay: none. Absent: Bittles, Henkenius and Higgins. Motion carried.

### Physician Locum Tenens

BANKS, SEAN - application for locum tenens license to practice medicine and surgery. Smith moved, seconded by Goodman, to recommend issuance of a license. Voting aye: Howorth, Smith, Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius. Motion carried.

### LASER EDUCATION APPROVAL

The Board's opinion of the proposed education before them is the training is adequate, but the Supervising Physician would still need to ensure that the PA is competent to perform the procedures.

### EDUCATION PROGRAM REVIEW

The Board approved the courses for compliance from Vanderbilt and The University of Florida.

### PRACTICE QUESTION ON TELEHEALTH

The Board's opinion was requested on the present question of whether current regulations reflect "allowing a physician-patient relationship to be appropriately formed solely through a telehealth encounter without a prior in-person evaluation". Board members discussed their role as a complaint driven state, and would evaluate each individual case based on its merits. In general, an in-person evaluation may not be required for every treatment, recommendation, or prescription.

### SURGICAL TECHNOLOGISTS' TECHNICAL REVIEW COMMITTEE UPDATE

Jeff Howorth and Kathie Lueke provided an update on 407 Committee for Surgical Technologists. Moving forward with presenting legislation to license Surgical First Assists and Technologist.

### 2016 LEGISLATION UPDATE

Dale Mahlman from the Nebraska Medical Association provided a list of potential bill subjects that may come up in the new legislation period.

### ELECTION OF OFFICERS

Bittles moved, seconded by Higgins, to nominate Smith for the position of Chair. Voting aye: Higgins, Scott, Bittles, Howorth, Goodman. Abstain: Smith. Voting nay: none. Absent: Henkenius. Motion carried.

Bittles moved, seconded by Scott to nominate Goodman for the position of Vice-Chair. Voting aye: Higgins, Stull, Scott, Bittles, Howorth, Smith. Abstain: Goodman. Voting nay: none. Absent: Henkenius. Motion carried.

Bittles moved, seconded by Scott to nominate Stull for the position of Secretary. Voting aye: Higgins, Scott, Smith, Bittles, Howorth, Goodman. Abstain: Stull. Voting nay: none. Absent: Henkenius. Motion carried.

### FSMB ANNUAL MEETING

The Board reviewed information about the upcoming annual meeting and discussed attendance.

### PRESCRIPTION DRUG OVERDOSE PREVENTION GRANT

The Board reviewed the publication on the 2<sup>nd</sup> Grant being awarded to the Prescription Drug Overdose Prevention.

**ADJOURNMENT**

There being no further business, Smith moved, seconded by Scott, to adjourn the meeting at 11:15 am. Voting aye: Howorth, Smith, Scott, Stull and Goodman. Voting nay: none. Absent: Bittles, Henkenius and Higgins. Motion carried

Respectfully submitted,

\*signature available upon request\*

Mark Goodman, Secretary  
Board of Medicine and Surgery