

MINUTES OF THE MEETING
OF THE
BOARD OF MEDICINE AND SURGERY

March 13, 2015

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman Jeff Howorth, at 9:03 am on March 13, 2015, in the Lighthouse Room, Country Inn & Suites, 5353 N 27th Street, Lincoln, Nebraska. The following members answered the roll call:

Jeffrey L. Howorth, Chair
Carl V. Smith, MD – Vice-Chair
Mark D. Goodman, MD - Secretary
Merle J. Henkenius
Vonn E. Roberts, MD
Judith Scott, DO
Michael J. Bittles, MD

Absent: Karen Higgins, MD

A quorum was present and the meeting convened.

Also present to participate in the meeting: Julie Agena, Assistant Attorney General; Becky Wisell, Administrator, Licensure Unit; and Kathie Lueke, Program Manager, Licensure Unit; Kelli Dalrymple, Health Licensing Coordinator; Jeff Newman, Investigator; Kathy Krueger, Investigator, Russ Fossler, Investigator, Larry Wiehn, Investigator and Krissy Chapman, Investigator; Peggy Persell, Program Manager, Investigations and Suzanna Glover-Etterich, Department Legal Counsel.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF THE MEETING

Higgins moved, seconded by Scott, to approve the minutes of the meeting for December 5, 2014. Voting aye: Henkenius, Scott, Smith, Roberts, Howorth, Bittles, Goodman. Voting nay: none. Absent: Higgins. Motion carried.

APPLICANT PRESENT TO DISCUSS

Dr. Zolty and Dr. Lowes were present to discuss Dr. Zolty's application before the board.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW

Smith moved, seconded by Roberts, to go into closed session at 9:12 a.m. for the purpose of review of the investigational and disciplinary reports and other closed session items as identified on the agenda.

Henkenius recused himself from the meeting at 10:14 a.m.
Henkenius rejoined the meeting at 10:25 a.m.

Bittles and Roberts recused themselves from the meeting at 10:26 a.m.
Bittles and Roberts rejoined the meeting at 10:28 a.m.

Returned to open session at 11:05 a.m.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE

Physician and Osteopathic Physician Reinstatement Application(s)

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

BERKE, SARAH - application for a license to practice medicine and surgery. Roberts moved, seconded by Smith, to table pending further information. Voting aye: Smith, Scott, Roberts, Goodman, Bittles, Henkenius, Howorth. Voting nay: none. Absent: Higgins. Motion carried.

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

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

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

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

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

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

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

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

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

Physician Reinstatement Application

ARTEAGO-AMEN, ROQUE - application for reinstatement of a license to practice medicine and surgery. Goodman moved, seconded by Bittles, to recommend reinstatement of a license. Voting aye: Howorth, Smith, Scott, Roberts, Bittles, Henkenius, Goodman. Voting nay: none. Absent: Higgins. Motion carried.

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

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

FSMB ISSUES

Discussion of attendance for annual meeting. The Board Members attending will be contacted on arranging travel and hotel reservations.

LEGISLATION

Dale Mahlman, Executive Vice-President of the Nebraska Medical Association was present to review legislation.

LB37 – Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions.

LB80 – Provide, change, and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act.

LB107 – Eliminate integrated practice agreements and provide for transition-to-practice agreements for nurse practitioners.

LB114 – Redefine ambulatory surgical center and health clinic under the Health Care Facility Licensure Act

LB115 – Prohibit certain actions related to social security numbers

LB129 – Require criminal background checks for applicants for an initial nursing license

LB187 – Require DHHS and health care facilities to provide information regarding abortion. Draft letter was given to Board Members. Roberts moved, Smith seconded to approve draft letter. Voting aye: Roberts, Smith, Scott, Howorth, Henkenius. Voting nay: none. Abstain: Bittles. Absent: Higgins. Motion carried.

LB196 – Change provisions relating to student loans and loan repayments.

LB211 – Authorize chiropractors to provide school entrance physical examinations and visual evaluations.

LB257 – Require insurers to provide descriptions relating to telehealth and telemonitoring.

LB258 – Adopt the Interstate Medical Licensure Compact License.

LB264 – Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training or experience.

LB369 – Change provisions relating to impaired credential holders under the Uniform Credentialing Act.

LB390 – Provide for the use of medical marijuana as prescribed.

LB452 – Provide advertising requirements under the Uniform Credentialing Act.

LB471 – Change provisions relating to prescription drug monitoring.

LB643 – Adopt the Cannabis Compassion and Care Act.

US SUPREME COURT RULING – NORTH CAROLINA BOARD OF DENTISTRY V. FEDERAL TRADE COMMISSION

The Board was given a briefing on the case. The Attorney General's Office and DHHS Legal will be providing further information.

LETTER FROM AMERICAN BOARD OF PAIN MEDICINE

The Board reviewed the letter from American Board of Pain Medicine.

REVIEW OF PHARMACEUTICAL CARE AGREEMENTS

The Board reviewed pharmaceutical care agreements.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:29 pm

Respectfully submitted,

signature available upon request

Mark Goodman, MD Secretary
Board of Medicine and Surgery