

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES February 24, 2023

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Brian Keegan, MD, at 9:05 a.m. on February 24, 2023, at the Hampton Inn & Suites, 7343 Husker Circle, Lincoln, Nebraska 68504. The meeting was conducted In-Person and by WebEx. The following members answered the roll call:

Brian Keegan, MD, Chairperson
Rachel Blake, MD, Vice-Chairperson
Adam Kuenning, JD, LLM, Secretary
Jodanne Hedrick, DO, via WebEx
John Massey, MD
Maria Michaelis, MD
Mark Goodman, MD
Jeffrey Howorth

Absent: None

A quorum was present, and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gadenken-Harris, Health Licensing Coordinator, with the Licensure Unit; Mindy Lester, Assistant Attorney General and Jeanne Burke, Assistant Attorney General; Carla Cue, Mark Meyerson and Jeff Newman, Investigators with the Investigation Unit; Suzanna Glover-Ettrich, Department Attorney via WebEx and Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations.

Dr. Keegan announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on February 10, 2023 and revision posted on February 22, 2023.

REVIEW OF AGENDA

Goodman moved, seconded by Kuenning to approve adoption of the agenda with the Chair having the authority to rearrange agenda items as needed. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Additions, Modification, Reordering

The Board requested the following applications to be removed from the Application Review Consent Agenda:

Caballero, Ramon Luis, MD – Initial Application

2023 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President and Paul Henderson, Vice President, Advocacy & Regulation; In-house Counsel with the NMA (Nebraska Medical Association) were present to discuss and provide updates to the Board.

LB16 Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction and make a determination regarding an applicant with a criminal conviction, provide for jurisprudential examinations and appeals from denial of a license, and change requirements for membership of the State Electrical Board

Referred to Government, Military and Veterans Affairs Committee
The NMA opposes this bill as written
Hearing held February 9, 2023
To learn more about LB16 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB16.pdf>

LB68 Increase limits on medical malpractice liability and change provisions of the Nebraska Hospital-Medical Liability Act
Referred to Banking, Commerce and Insurance Committee
The NMA supports this bill
Hearing held January 30, 2023
Amendments adopted February 16, 2023
To learn more about LB68 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB68.pdf>

LB181 Provide for filling and refilling prescriptions in certain circumstances
Referred to Health and Human Services Committee
The NMA opposes this bill as written
The Board of Medicine and Surgery submitted a letter in opposition to LB181 to the Legislature
Hearing held February 1, 2023
To learn more about LB181 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB181.pdf>

LB286 Provide for confidentiality of a physician wellness program under the Uniform Credentialing Act
Referred to Health and Human Services Committee
The NMA supports this bill as written
Hearing held February 9, 2023
To learn more about LB286 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB286.pdf>

LB351 Increase and eliminate limits on medical malpractice liability and change provisions relating to proof of financial responsibility and the Excess Liability Fund
Referred to Judiciary Committee
The NMA opposes this bill as written
Hearing Scheduled for February 24, 2023
To learn more about LB351 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB351.pdf>

LB422 Exempt certain activities from disciplinary action under the Uniform Credentialing Act
Referred to Health and Human Services Committee
The NMA opposes this bill as written
Hearing Held February 16, 2023
Amendment filed February 23, 2023
To learn more about LB422 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB422.pdf>

LB574 Adopt the Let Them Grow Act
Referred to Health and Human Services Committee
The NMA opposes this bill as written
Amendments filed January 25, 2023 and February 7, 2023
Hearing held February 8, 2023
To learn more about LB574 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB574.pdf>

LB626 Adopt the Nebraska Heartbeat Act
Referred to Health and Human Services Committee
The NMA opposes this bill as written
Multiple Amendments filed
To learn more about LB422 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB626.pdf>

Amy also discussed with the Board “The Medication Access and Training Expansion (MATE) Act” which addresses America’s drug overdose crisis. The MATE Act would:

- Create a one-time, non-repetitive requirement for all DEA controlled substance prescribers (Schedule II, III, IV or V) to complete training on treating and managing patients with opioid and other substance use disorders, unless the prescriber is otherwise qualified.

- Allow accredited medical schools and residency programs, physician assistant schools, and schools of advanced practice nursing to fulfill the training requirement through comprehensive curriculum that meets the standards laid out in statute, without having to coordinate the development of their education with an outside medical society or state licensing body.
- Normalize addiction medicine education across certain professional schools and phase out the need for these future practitioners to take a separate, federally mandated addiction course.
- Authorize federal grants to schools and medical programs to develop the curricula used to train prescribers on how to best identify and treat SUDs.

REGULATIONS UPDATE

There were no updates on Regulations currently.

ADVOCATE FOR A PHYSICIAN HEALTH PROGRAM (PHP)

Jesse advised the Board that currently the Board's letter that was approved at the January 27, 2023 meeting in support for the formation of a PHP in Nebraska will not be posted on the DHHS website until after the closing of the Legislative session.

Howorth suggested researching other state's PHP programs as a method to start the structure of a PHP for Nebraska.

The Board is committed to continuing their efforts to realize a PHP for Nebraska.

APPROVAL OF MINUTES OF THE MEETING

Blake moved, seconded by Massey to approve the minutes for January 27, 2023, as presented. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Michaelis moved, seconded by Goodman, to go into closed session at 10:08 a.m. for the purpose of review and discussion of investigative reports, disciplinary reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

The Board members returned to Open Session at 11:30 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician and Osteopathic Physician Initial Application(s) (1)

CABALLERO, RAMON LUIS, MD – application for Initial license to practice medicine and surgery. Hedrick moved, seconded by Kuenning, to recommend denial of the application to practice medicine and surgery. Basis for the denial was Action in Other States. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Email Ballot(s) since last meeting (1)

The Board voted at the January 27, 2023 meeting to draft a letter in opposition to LB181 to submit to the Legislature prior to the hearing. The letter was drafted and was approved by the Board by email ballot on 1/30/2023.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) ANNUAL MEETING

The FSMB meeting is scheduled to be held in Minneapolis, MN, May 3-6, 2023. Jesse Cushman will be attending representing the Department. Dr. Blake, Dr. Hedrick and Dr. Massey have all expressed interest in attending the meeting. Michaelis moved, seconded by Hedrick to have Dr. Massey represent the Nebraska Board of Medicine and Surgery as the Voting Delegate and Dr. Blake as the Alternate Voting Delegate. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

BOARD MEETING SCHEDULE

The next meeting is scheduled for March 24, 2023, in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule, visit the DHHS website:
<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Keegan, Chairperson adjourned the meeting at 11:35 a.m.

Respectfully submitted,

signature available upon request

Adam Kuenning, JD, LLM, Secretary
Board of Medicine and Surgery