

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

March 8, 2024

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Rachel Blake, MD, at 9:04 a.m. on March 8, 2024, 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:

Rachel Blake, MD, Chairperson
Adam Kuenning, JD, LLM, Vice-Chairperson
Wesley Zeger, DO, Secretary
Jodanne Hedrick, DO – via WebEx
Brian Keegan, MD
John Massey, MD

Absent: Mark Goodman, MD
Jeffrey Howorth

A quorum was present, and the meeting convened.

Also present to participate in the meeting: Vonda Apking, Program Manager, Jan Gadeken-Harris, Health Licensing Coordinator and Sean Loving, Program Manager with the Licensure Unit; Mindy Lester, Assistant Attorney General; Abigail Nissen, Assistant Attorney General; Carla Cue, Trevor Klaassen and Mark Meyerson, Investigators with the Investigation Unit; Suzanna Glover-Ettrich, Department Attorney via WebEx and Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations via WebEx.

Dr. Blake 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 23, 2024 and revision posted on March 5, 2024.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

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

Teleszky, Laszlo Bela, MD – Physician Conviction Review Preliminary Application
Holt, Michelle – Initial Surgical First Assistant Application

PRESENTATION BEFORE THE BOARD

Michelle Holt made a presentation to the Board regarding her application for an Initial Surgical First Assistant License.

2024 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 for the 108th Legislature, Second Regular Session. The NMA is following many Bills this session and the following are some of the Bills that may be of interest to the Board:

LB62 - Provide for coverage of translation and interpretation services under the medical assistance program
Advanced to Enrollment and Review Initial on March 7, 2024

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB62.pdf>

LB307 - Authorize syringe services programs in municipalities and counties and provide exceptions to penalties related to drug paraphernalia under the Uniform Controlled Substances Act

MO1212 filed that LB307 becomes law notwithstanding the objections of the Governor on March 4, 2024

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Final/LB307.pdf>

LB422 - Exempt certain activities from disciplinary action under the Uniform Credentialing Act

AM414 filed February 20, 2024: <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM414.pdf>

To learn more about LB 422 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB422.pdf>

LB823 - Adopt the Physician Assistant (PA) Licensure Compact and change provisions relating to criminal background checks.

The NMA is monitoring the Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB823.pdf>

AM2723 filed February 28, 2024: <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2723.pdf>

LB829 - Change provisions relating to insurance coverage for screening for colorectal cancer.

Hearing was held on January 22, 2024.

Amendments have been adopted - AM2108 <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2108.pdf>

and AM2384 <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2384.pdf>

The NMA is in support of the Bill.

Placed on Final Reading February 21, 2024: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Final/LB829.pdf>

LB857 - Create the Nebraska Prenatal Plus Program, provide for use of the Medicaid Managed Care Excess Profit Fund, and change provisions relating to coverage of glucose monitors under the Medical Assistance Act

Amendment AM2409 has been adopted: <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2409.pdf>

Amendment AM2761 adopted and advanced to Enrollment and Review March 7, 2024:

<https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2761.pdf>

The NMA is in support of the Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB857.pdf>

LB885 - Provide requirements for insurance coverage of lung cancer screening

Hearing was held on January 22, 2024.

The NMA is in support of the Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB885.pdf>

LB907 - Require Medicaid coverage for treatment of obesity.

Hearing date February 15, 2024

The NMA is in support of the Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB907.pdf>

LB913 - Require a state plan amendment for postpartum coverage under the Children's Health Insurance Program

Amendment AM2321 filed February 20, 2024:

<https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2321.pdf>

The NMA is in support of the Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB913.pdf>

LB917 - Require the establishment of a standard prior authorization process for health benefit plans and the approval and use of prior authorization forms.

The NMA is in support of the Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB917.pdf>

LB933 - Change Medicaid coverage requirements for continuous glucose monitors

Hearing was held February 8, 2024

Amendment AM2550 filed February 28, 2024:

<https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2550.pdf>

The NMA is in support of this Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB933.pdf>

LB1024 - Change provisions relating to documents and information provided to an independent review organization under the Health Carrier External Review Act

Hearing was held on January 23, 2024.

The NMA is monitoring the Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1024.pdf>

LB1060 - Provide an exemption from newborn screening.

Hearing was held January 31, 2024.

The NMA is opposed to this Bill.

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1060.pdf>

LB1087 - Adopt the Hospital Quality Assurance and Access Assessment Act

Amendments have been adopted – AM2404 <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2404.pdf>

and AM2512 <https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2512.pdf>

Amendment AM2760 adopted and advanced to Enrollment and review March 4, 2024:

<https://nebraskalegislature.gov/FloorDocs/108/PDF/AM/AM2760.pdf>

The NMA is in support of this Bill.

To learn more about the Final Reading go to:

<https://nebraskalegislature.gov/FloorDocs/108/PDF/Final/LB1087.pdf>

LB1109 - Provide an exception under the Preborn Child Protection Act to allow an abortion after twelve weeks in the case of a fatal fetal anomaly and change and eliminate certain penalty provisions relating to abortions.

Hearing date February 22, 2024

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1109.pdf>

LB1278 - Provide for reimbursement of doula and full spectrum doula services under the Medical Assistance Act

Hearing date February 14, 2024

To learn more about this Bill go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1278.pdf>

Amy mentioned the cyber attack on a clearinghouse “Change Healthcare” that processes claims and approves verification for patient coverage, etc. This has impacted many clinics and hospitals financially.

Medicare Advantage Plans are also impacting clinics and hospitals detrimentally due to their low percentage of payment on claims. Amy will be meeting with Congressman in Washington, D.C. regarding payor reform.

NMA has also been in conversations with the Athletic Trainers Association regarding expanding their scope of practice to include some Surgical First Assistant scope of practice procedures. The conversations include exploring a 407 application to expand their scope of practice.

REGULATIONS UPDATE

There are no updates currently.

APPROVAL OF MINUTES OF THE MEETING

Kuenning moved, seconded by Zeger to approve the minutes for February 9, 2024, as presented. Voting aye: Blake, Hedrick, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: Goodman and Howorth. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Kuenning moved, seconded by Zeger, to go into closed session at 9:38 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, Hedrick, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: Goodman and Howorth. Abstain: None. Motion carried.

Board Break 10:17 a.m.
Board Reconvened 10:28 a.m.

The Board members returned to Open Session at 10:28 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician Conviction Review Preliminary Application(s) (1)

TELESZKY, LASZLO, MD – application for Physician Conviction Review Preliminary Licensure. Massey moved, seconded by Kuenning, to recommend denial of the application for the Conviction Preliminary Review for initial license to practice medicine and surgery. The basis for the denial is prior action in other states and prior conviction. Voting aye: Blake, Hedrick, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: Goodman and Howorth. Abstain: None. Motion carried.

Surgical First Assistant Application(s) (1)

HOLT, MICHELLE – application for Initial Surgical First Assistant license. Kuenning moved, seconded by Keagan, to recommend denial of the application for initial Surgical First Assistant license. Basis for the denial: The Board recognizes and acknowledges the importance of both athletic trainers and surgical first assistants. However, in this case without a credential issued by another state or territory the Board does not have authority to waive the education and examination requirements of 38-3512. Voting aye: Blake, Hedrick, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: Goodman and Howorth. Abstain: None. Motion carried.

PHARMACEUTICAL CARE AGREEMENT(S)

Kuenning acknowledges the Board's receipt of the Pharmaceutical Care Agreements.

PHYSICIAN ASSISTANT COLLABORATIVE AGREEMENT DISCUSSION

The Board agreed that they would like to review the Collaborative Agreement between a PA and the Supervising Physician in all future investigation case files.

THE BOARD OF MEDICAL RADIOGRAPHY'S OPINION ON BODY COMPOSITION EXAMS IN DEXA

The Board agrees that it is not within the Medical Radiographer's scope of practice to answer questions regarding the results of a procedure or x-ray. The Physician that ordered the procedure or x-ray will make the interpretation and convey the results to the patient. Medical Records Statutes require that if the patient requests a copy of the x-ray or procedure that they are entitled. <https://dhhs.ne.gov/licensure/Documents/Medical%20Records.pdf>

FSMB (FEDERATION OF STATE MEDICAL BOARDS) 2024 ANNUAL MEETING

The FSMB annual meeting is scheduled for April 18-20, 2024, in Nashville, TN. Registration is now open for anyone interested in attending:

<https://web.cvent.com/event/dd646f9a-dae1-4a5d-9e6f-5393ce813464/summary>

The Board will table the discussion at this time to designate the voting delegate to represent the Nebraska Board.

BOARD MEETING SCHEDULE

The next meeting is scheduled for April 12, 2024, in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule for the 2024 schedule, visit the DHHS website:

<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

Board Break: 10:59 a.m.

Dr. Massey left the meeting at 11:00 a.m.

Board Returned to Open Session: 1:00 p.m.

HEARING – OPEN SESSION

Heidi Jo Beckett, MD requested a hearing before the Board regarding her application for reinstatement after suspension of her license.

Kuenning moved, seconded by Hedrick to go into Closed Session at 2:15 p.m. for discussion of the evidence that was presented at the hearing. Voting aye: Blake, Hedrick, Keagan, Kuenning and Zeger. Voting nay: None. Absent: Goodman, Howorth and Massey. Abstain: None. Motion carried.

The Board returned to Open Session at 2:30 p.m.

Kuenning moved, seconded by Hedrick to deny the reinstatement after suspension of Dr. Beckett's license. Basis for the denial is insufficient evidence presented to support fitness to practice. Voting aye: Blake, Hedrick, Keagan, Kuenning and Zeger. Voting nay: None. Absent: Goodman, Howorth and Massey. Abstain: None. Motion carried.

ADJOURNMENT

There being no further business, Blake, Chairperson adjourned the meeting at 2:32 p.m.

Respectfully submitted,

signature available upon request

Wesley Zeger, DO, Secretary
Board of Medicine and Surgery