

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

April 12, 2024

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Rachel Blake, MD, at 9:05 a.m. on April 12, 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 – joined the meeting @9:06 by WebEx
Wesley Zeger, DO, Secretary
Mark Goodman, MD
Jodanne Hedrick, DO
Jeffrey Howorth
Brian Keegan, MD
John Massey, MD

Absent: None

A quorum was present, and the meeting convened.

Also present to participate in the meeting: Vonda Apking, Program Manager and Jan Gadeken-Harris, Health Licensing Coordinator with the Licensure Unit; Mindy Lester, Assistant Attorney General; Mendy Mahar-Clark, Kathleen Krueger, 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 March 29, 2024 and revision posted on April 8, 2024.

REVIEW OF AGENDA

Hedrick 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, Goodman, Hedrick, Howorth, Keagan, Massey and Zeger. Voting nay: None. Absent: Kuenning. Abstain: None. Motion carried.

Additions, Modification, Reordering

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

Comstock, Aubrey – Initial Acupuncture license application
Poulsen, Jeremy, DO – Physician Reinstatement license application

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.

100 Bills passed Final Reading on April 11, 2024 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, change reporting requirements related to the medical assistance program, and require a report regarding to the Temporary Assistance for Needy Families program.

Passed on Final Reading and presented to the Governor on April 11, 2024.

Final Reading: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Final/LB62.pdf>

LB876 - Adopt the Newborn Safe Haven Act

Passed on Final Reading and presented to the Governor on April 11, 2024

Final Reading: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Final/LB876.pdf>

LB1073 - Adopt the Peer-to-Peer Vehicle Sharing Program Act and provide, change, and prohibit certain actions relating to insurance, real estate, and deceptive trade practices

Passed on Final Reading with Emergency Clause 44-0-5 on April 11, 2024.

Final Reading: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Final/LB1073.pdf>

LB1087 - Adopt the Hospital Quality Assurance and Access Assessment Act and provide duties for the Nebraska Center for Nursing

Approved by the Governor on March 27, 2024.

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

LB1215 - Adopt the Dietitian Licensure Compact and the Physician Assistant (PA) Licensure Compact, change provisions relating to prescriptions, death certificates, credentialing of barbers, nurses, pharmacies, pharmacy professionals, and certain health care facilities and services, treatment of individuals with communicable tuberculosis, and telehealth consultations, and provide for abstracts of death and coverage under the medical assistance program for certain breast pumps and lactation visits

Approved by the Governor on April 2, 2024.

Slip Law: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Slip/LB1215.pdf>

REGULATIONS UPDATE

There are no updates currently.

APPROVAL OF MINUTES OF THE MEETING

Hedrick moved, seconded by Howorth to approve the minutes for March 8, 2024, as presented. Voting aye: Blake, Goodman, Hedrick, Howorth, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Goodman moved, seconded by Howorth, to go into closed session at 9:12 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, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Dr. Massey Recused 9:15 a.m.

Dr. Massey Returned 9:32 a.m.

Dr. Goodman Recused 10:28 a.m.

Dr. Goodman Returned 10:32 a.m.

Dr. Massey Recused 10:43 a.m.

Dr. Massey Returned 10:46 a.m.

Board Break 10:46 a.m.

Board Reconvened 10:55 a.m.

The Board members returned to Open Session at 11:38 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Acupuncture Initial Application(s) (1)

COMSTOCK, AUBREY – application for Initial Acupuncture license. Hedrick moved, seconded by Howorth, to recommend approval of the application for initial Acupuncture license with a one (1) year probationary period. Basis for the probationary period is prior substance use diagnosis. Voting aye: Blake, Goodman, Hedrick, Howorth, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Physician Reinstatement Application(s) (1)

POULSEN, JEREMY, DO – application for Physician Reinstatement Licensure. Hedrick moved, seconded by Goodman, to recommend approval of the application for the Reinstatement license to practice medicine and surgery with a two (2) year probationary period and compliance with the South Dakota Physician Health Program orders and obtain an updated substance use evaluation. The bases for the probation are the monitoring and assistance agreement with the South Dakota Physician Health Program and prior action in another state. Voting aye: Blake, Goodman, Hedrick, Howorth, Keagan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

AFFILIATED MONITORS, INC – INDEPENDENT MONITORING OPTIONS

The Board had no comments currently.

FSMB (FEDERATION OF STATE MEDICAL BOARDS) SYMPOSIUM ON ALTERNATE LICENSING MODELS

The FSMB meeting is scheduled for June 18, 2024, in Washington, D.C. The Board will check their schedules to see if anyone is available to attend the meeting to represent the Nebraska Board of Medicine and Surgery.

BOARD MEETING SCHEDULE

The next meeting is scheduled for May 10, 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>

PUBLIC COMMENTS

There were no public comments currently.

ADJOURNMENT

There being no further business, Blake, Chairperson adjourned the meeting at 11:44 a.m.

Respectfully submitted,

signature available upon request

Wesley Zeger, DO, Secretary
Board of Medicine and Surgery