

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

April 18, 2025

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Adam Kuenning, at 9:01 a.m. on April 18, 2025, 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:

Adam Kuenning, JD, LLM, Chairperson
Wesley Zeger, DO, Vice-Chairperson
Mark Goodman, MD, Secretary
Rachel Blake, MD
Jodanne Hedrick, DO
Brian Keegan, MD
John Massey, MD
Public Member Position – Vacant

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; Carla Cue, Investigator with the Investigation Unit; Anna Harrison, DHHS Compliance Monitor for Licensing via WebEx and Teresa Hampton, Department Attorney.

Kuenning 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 on the Bulletin Board at the entrance to the Nebraska State Office Building April 4, 2025.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

APPLICATION CONSENT AGENDA

Currently there are no applications for review.

2025 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President with the NMA (Nebraska Medical Association) was present to discuss and provide updates to the Board for the 109th Legislature, 1st Regular Session.

LB29 - Create a review process for agency rules and regulations

Hearing held February 12, 2025

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB29.pdf>

LB77 - Adopt the Ensuring Transparency in Prior Authorization Act

Hearing held February 10, 2025

Speaker Priority Bill

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB77.pdf>

LB89 - Adopt the Stand With Women Act

AM701 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM701.pdf>

AM1024 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM1024.pdf>

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB89.pdf>

LB 202 - Exempt certain activities from disciplinary action under the Medicine and Surgery Practice Act

Hearing held March 5, 2025

AM57 filed March 18, 2025: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM57.pdf>

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB202.pdf>

LB310 - Provide an exemption from newborn screening for certain diseases or conditions

Hearing held January 30, 2025

NMA opposes this Bill as written

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB310.pdf>

LB374 - Adopt the Licensed Midwives Practice Act

Hearing held February 5, 2025

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB374.pdf>

LB436 - Change provisions of the Nebraska Regulation of Health Professions Act

Hearing held February 20, 2025

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB436.pdf>

LB527 - Adopt the Medicaid Access and Quality Act and change provisions relating to taxes on health maintenance organizations, prepaid limited health service organizations, and insurance companies
Hearing held February 4, 2025

AM137 adopted February 11, 2025: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM137.pdf>

AM373 adopted February 28, 2025: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM373.pdf>

Placed on Final Reading March 10, 2025:

<https://nebraskalegislature.gov/FloorDocs/109/PDF/Final/LB527.pdf>

Approved by Governor on April 7, 2025

LB554 - Create the Nebraska Health Professions Commission

Hearing held February 20, 2025

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB554.pdf>

LB651 - Change provisions of the Nebraska Medical Cannabis Patient Protection Act and the Nebraska Medical Cannabis Regulation Act and provide for regulation of medical cannabis

Hearing held March 3, 2025

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB651.pdf>

LB676 - Change and eliminate provisions relating to certified nurse midwives and provide for applicability of the Nebraska Hospital-Medical Liability Act

Hearing was held February 20, 2025

Priority Bill

AM 655 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM655.pdf>

AM914 to AM655 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM914.pdf>

AM941 to AM655 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM941.pdf>

AM1097 to AM655 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM1097.pdf>

The NMA is actively working on this Bill. There is confusion with the difference between Certified Nurse Midwives and Certified Professional Midwives (CPM). The NMA is attempting to educate the Senators on the difference.

Hedrick moved, seconded by Goodman, to have Dr. Blake, on behalf of the Board, write a draft letter of opposition to LB676 and when approved by the Board Members it will be presented to the Senators. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB676.pdf>

LB677 - Change provisions of the Nebraska Medical Cannabis Regulation Act and provide for regulation of medical cannabis

Hearing held March 3, 2025

AM297 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM297.pdf>

Priority Bill

AM935 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM935.pdf>

AM934 filed: <https://nebraskalegislature.gov/FloorDocs/109/PDF/AM/AM934.pdf>

To review the Bill in detail, go to: <https://nebraskalegislature.gov/FloorDocs/109/PDF/Intro/LB677.pdf>

Active 407 Credentialing Reviews:

Credentialing Review (407) Nurse Practitioners

This scope expansion by the NNP requests to update the medical radiography statute and fluoroscopy practices to allow nurse practitioners to utilize fluoroscopy:

The Technical Committee Meetings were held March 19 and April 11, 2025 and the next meeting is scheduled for May 2, 2025.

To review the Letter of Intent, the NP application, Presentations, Meeting Recordings and Support Letters go to: [https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Nurse-Practitioners.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Nurse-Practitioners.aspx)

There are concerns with the passing of the 407 as currently written regarding safety.

Credentialing Review (407) Occupational Therapy

To review the Letter of Intent, go to:

<https://dhhs.ne.gov/licensure/Credentialing%20Review%20Docs/CR-OT-NOTALetterOfIntent.pdf>

To date there have been 3 Technical committee meetings, to review the Agendas and the Minutes go to:

[https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Occupational-Therapy.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Occupational-Therapy.aspx)

REGULATIONS UPDATE

Currently there are no updates for the Board.

APPROVAL OF MINUTES OF THE MEETING

Goodman moved, seconded by Keegan to approve the minutes for March 21, 2025, as presented. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Zeger moved, seconded by Hedrick, to go into closed session at 9:46 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, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Board Break 10:10 a.m.

Board Reconvened 10:15 a.m.

The Board members returned to Open Session at 10:50 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Currently there are no applications for review.

PHARMACEUTICAL CARE AGREEMENT(S) (33)

The Board acknowledges receipt of the Pharmaceutical Care Agreements.

DISCUSSION – State of Ohio Revised Code regarding administration of adult intravenous therapy

<https://codes.ohio.gov/ohio-revised-code/section-4723.18/9-29-2013>

After much discussion Massey moved, seconded by Goodman to have a Task Force created involving the Board of Medicine and Surgery, Nursing Board, APRN Board, and Pharmacy Board to adopt model language to be presented to the Legislature for Nebraska similar to what the State of Ohio has adopted. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Zeger moved, seconded by Blake to designate Dr. Hedrick to be the Medicine and Surgery Board representative. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Zeger. Voting nay: None. Absent: None. Abstain: None. Motion carried.

PRACTICE QUESTION(S)

- A. With the recent DEA expansion of the telemedicine rules is it permitted under Nebraska laws and regulations for licensed physicians to prescribe Suboxone and Buprenorphine products specifically for opiate use disorder VIA initial telemedicine consult either audio or video without an initial in-person appointment?
- B. If so, is there any length of time which a physician can continue to prescribe without an in-person appointment OR after a specific amount of time OR whether they can be prescribed via telemedicine indefinitely?

It is the opinion of the Board that it does not give legal advice and that it would be best practice to consult their attorney for advice on the questions above.

Adam commented that the Board working with the Department Legal could develop or evaluate the Board's role in giving recommendations or what suggested best practices might be going forward.

PUBLIC COMMENTS

There were no public comments currently.

BOARD MEETING SCHEDULE

The next meeting is scheduled for May 16, 2025, in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule for the 2025 schedule, visit the DHHS website:

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

ADJOURNMENT

There being no further business, Kuenning, Chairperson adjourned the meeting at 10:58 a.m.

Respectfully submitted,

signature available upon request

Mark Goodman, MD, Secretary
Board of Medicine and Surgery