

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

October 25, 2024

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Rachel Blake, at 9:00 a.m. on October 25, 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
Wesley Zeger, DO, Secretary
Jodanne Hedrick, DO
Jeffrey Howorth
Brian Keegan, MD
John Massey, MD

Absent: Mark Goodman, MD
Adam Kuenning, JD, LLM, Vice-Chairperson

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; Milissa Johnson-Wiles, Assistant Attorney General; Kathleen Krueger, Carla Cue, Trevor Klaassen and Mark Meyerson, Investigators with the Investigation Unit; Anna Harrison, DHHS Compliance Monitor for Licensing; Suzanna Glover-Ettrich, Department Attorney via WebEx, Katherine Amyot, Department Attorney via WebEx and Annika Gleason-Schoch, Department Attorney 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 on the Bulletin Board at the entrance to the Nebraska State Office Building October 11, 2024 and revision posted October 21, 2024.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

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

Cattelane, Jerry, DO– Physician Initial license application
Frank, Bradford, MD – Physician Initial license application
Wolfberg, Adam, MD – Physician Initial license application
Bui, Phong, MD – Physician Locum Tenens application
Ali, Maman, MD – Reinstatement after Suspension Discipline

PRESENTATION BEFORE THE BOARD

Ali Maman, MD and his Attorney, Melanie Whittamore-Matziios made a presentation to the Board regarding his Reinstatement after Discipline 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 Legislature Sessions.

Paul indicated that there are two 407 Credentialing Reviews that have recently been filed:

Nurse Practitioners – Letter of Intent to add fluoroscopy to their scope of practice – to see the full letter of intent go to: <https://dhhs.ne.gov/licensure/Credentialing%20Review%20Docs/CRNursePracApplicationLtr.pdf>

Occupational Therapy – Letter of Intent to add dry needling to their scope of practice – to see the full letter of intent go to: <https://dhhs.ne.gov/licensure/Credentialing%20Review%20Docs/CR-OT-NOTALetterOfIntent.pdf>

LR397 - Interim study to examine the structure and processes of the credentialing review process known as the "407 process"

Hearing was held September 25, 2024, at which the NMA did testify on the reevaluation of the 407 processes. <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LR397.pdf>

Amy wants the Licensing Boards to be more involved and engaged in the 407 processes and to testify at the hearings. Dr. Massey agrees that the Board of Medicine and Surgery should absolutely be involved and attend the 407 hearings in the future.

LR392 - Interim study to examine the costs and frequency of rebasing provider rates and to develop a methodology for rebasing such rates.

Hearing was held on October 23, 2024.

<https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LR392.pdf>

REGULATIONS UPDATE

Nothing for discussion to date.

APPROVAL OF MINUTES OF THE MEETING

Howorth moved, seconded by Hedrick to approve the minutes for September 13, 2024, as presented. Voting aye: Blake, Hedrick, Howorth, Keegan, Massey and Zeger. Voting nay: None. Absent: Goodman and Kuenning. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Howorth moved, seconded by Hedrick, to go into closed session at 9:29 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, Howorth, Keegan, Massey and Zeger. Voting nay: None. Absent: Goodman and Kuenning. Abstain: None. Motion carried.

Board Break 10:45 a.m.

Board Reconvened 11:00 a.m.

The Board members returned to Open Session at 11:00 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician Initial Application(s) (3)

CATTELANE, JERRY, DO – application for Physician Initial license to practice Medicine and Surgery. Heidrick moved, seconded by Keegan, to recommend approval of the application for Initial license to practice Medicine and Surgery. Voting aye: Blake, Hedrick, Howorth, Keegan, Massey and Zeger. Voting nay: None. Absent: Goodman and Kuenning. Abstain: None. Motion carried.

FRANK, BRADFORD, MD – application for Physician Initial license to practice Medicine and Surgery. Heidrick moved, seconded by Howorth, to recommend approval of the application for Initial license to practice Medicine and Surgery. Voting aye: Blake, Hedrick, Howorth, Keegan, Massey and Zeger. Voting nay: None. Absent: Goodman and Kuenning. Abstain: None. Motion carried.

WOLFBERG, ADAM, MD – application for Physician Initial license to practice Medicine and Surgery. Heidrick moved, seconded by Howorth, to recommend approval of the application for Initial license to practice Medicine and Surgery. Voting aye: Blake, Hedrick, Howorth, Keegan, Massey and Zeger. Voting nay: None. Absent: Goodman and Kuenning. Abstain: None. Motion carried.

Physician Locum Tenens Application(s) (1)

BUI, PHONG, MD – application for Physician Locum Tenens license to practice Medicine and Surgery. Heidrick moved, seconded by Massey, to recommend approval of the application for Locum Tenens license to practice Medicine and Surgery. Voting aye: Blake, Hedrick, Howorth, Keegan, Massey and Zeger. Voting nay: None. Absent: Goodman and Kuenning. Abstain: None. Motion carried.

Physician and Osteopathic Physician Reinstatement after Discipline Application(s) (1)

ALI, MAMAN, MD – application for Physician Reinstatement after Suspension to practice Medicine and Surgery. Hedrick moved, seconded by Howorth to recommend denial of the reinstatement after suspension application to practice Medicine and Surgery. Basis for the denial is insufficient evidence to support reinstatement and prior disciplinary action. Voting aye: Blake, Hedrick, Howorth, Keegan, Massey and Zeger. Voting nay: None. Absent: Goodman and Kuenning. Abstain: None. Motion carried.

PUBLIC COMMENTS

There were no public comments currently.

BOARD MEETING SCHEDULE

The next meeting is scheduled for December 6, 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>

ADJOURNMENT

There being no further business, Dr. Blake, Chairperson adjourned the meeting at 11:37 a.m.

Respectfully submitted,

signature available upon request

Wesley Zeger, DO, Secretary
Board of Medicine and Surgery