

## **NEBRASKA BOARD OF MEDICINE AND SURGERY**

### **MEETING MINUTES**

**January 17, 2025**

#### **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 January 17, 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:

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

Absent: Brian Keegan, MD

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; Kathleen Krueger, Carla Cue, Brittany Bigham and Trevor Klaassen, Investigators with the Investigation Unit; Anna Harrison, DHHS Compliance Monitor for Licensing and Danielle Sund, Department Attorney.

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 January 3, 2025.

#### **REVIEW OF AGENDA**

Kuenning 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, Kuenning, Massey and Zeger. Voting nay: None. Absent: Keegan. Abstain: None. Motion carried.

#### **Additions, Modification, Reordering**

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

Robison, Paul, MD - Physician Initial license application – second review  
Yoon, Justin, MD – Physician Initial license application

## **2025 LEGISLATION UPDATES**

Paul Henderson, Vice President, Advocacy & Regulation; In-house Counsel with the NMA (Nebraska Medical Association) was present to discuss and provide updates to the Board for the 109<sup>th</sup> Legislature, 1<sup>st</sup> Regular Session.

The NMA is watching the following Bills and believe they may be of interest to the Board:

### **LB77 - Adopt the Ensuring Transparency in Prior Authorization Act**

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

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

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

### **LB374 - Adopt the Licensed Midwives Practice Act**

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

### **LB29 - Create a review process for agency rules and regulations**

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

## **REGULATIONS UPDATE**

Currently there are no updates for the Board.

## **APPROVAL OF MINUTES OF THE MEETING**

Hedrick moved, seconded by Goodman to approve the minutes for December 6, 2024, as presented. Voting aye: Blake, Goodman, Hedrick, Kuenning, Massey and Zeger. Voting nay: None. Absent: Keegan. Abstain: None. Motion carried.

## **INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION**

Goodman moved, seconded by Hedrick, to go into closed session at 9:10 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, Kuenning, Massey and Zeger. Voting nay: None. Absent: Keegan. Abstain: None. Motion carried.

Board Break 10:17 a.m.

Board Reconvened 10:23 a.m.

The Board members returned to Open Session at 10:25 a.m.

## **APPLICATION REVIEW – OPEN SESSION**

## **BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION**

### **Physician Initial Application(s) (2)**

**ROBISON, PAUL, MD** – application for Physician Initial license to practice Medicine and Surgery. Kuenning moved, seconded by Hedrick, to recommend offering a reentry license for a period of one year after approval of the Board of a proposed plan to practice Medicine and Surgery. Basis for offering the reentry license is time away from active practice. Voting aye: Blake, Goodman, Hedrick, Kuenning, Massey and Zeger. Voting nay: None. Absent: Keegan. Abstain: None. Motion carried.

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

### **PHARMACEUTICAL CARE AGREEMENT(S)**

The Board acknowledges receipt of the Pharmaceutical Care Agreements.

### **PRACTICE QUESTION(S)**

What is the Board's position and /or any existing guidance or regulations as it pertains to the prophylactic prescribing of medication kits, which almost always include antibiotics?

1. Does the Board consider this kind of prescribing via a telemedicine visit to be an acceptable standard of care and safe practice? Or would it be considered unprofessional conduct?
2. Would the Board place any specific restrictions or prohibitions on what medications could be prescribed prophylactically and/or on the amount of a medication that can be prescribed at a given time?
3. Are prescriptions issued for prophylactic purposes without a demonstrated need in the immediate future considered prescriptions issued for a "valid medical purpose?"

*The Board of Medicine and Surgery would like to remind the public that we are a complaint driven Board. However, it is the opinion of the Board that they do not consider blanket prescribing individuals without individualized medical rational to be acceptable practice. Prescribing is a case-by-case basis not on a blanket prescribing basis, it would not be the standard of care.*

### **FEDERATION OF STATE MEDICAL BOARDS (FSMB) 2025 ANNUAL MEETING**

The FSMB annual meeting is scheduled for April 24-26, 2025, in Seattle, WA. Registration is now open and for anyone interested in attending go to:

<https://web.cvent.com/event/590c8be2-5051-4ec6-a178-24a8f88d1104/summary>

Dr. Blake, Dr. Hedrick, Dr. Massey and Dr. Zeger have all expressed interest in attending the meeting.

Kuenning moved, seconded by Goodman to designate Dr. Hedrick as the Voting Delegate to represent the Nebraska Board. Voting aye: Blake, Goodman, Hedrick, Kuenning, Massey and Zeger. Voting nay: None. Absent: Keegan. Abstain: None. Motion carried.

### **DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS**

Gadeken-Harris explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas on the Bulletin Board at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department's website. Kuenning moved, seconded by Hedrick, to continue the same method that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department's website. Voting aye: Blake, Goodman, Hedrick, Kuenning, Massey and Zeger. Voting nay: None. Absent: Keegan. Abstain: None. Motion carried.

### **ELECTION OF OFFICERS**

Goodman moved, seconded by Hedrick to elect new officers for 2025 as follows:

Chairperson: Adam Kuenning, JD, LL.M.

Vice-Chairperson: Wesley Zeger, DO

Secretary: Mark Goodman, MD

Investigation Consultant: Rachel Blake, MD

Voting aye: Blake, Goodman, Hedrick, Kuenning, Massey and Zeger. Voting nay: None. Absent: Keegan. Abstain: None. Motion carried.

### **PUBLIC COMMENTS**

There were no public comments currently.

### **BOARD MEETING SCHEDULE**

The next meeting is scheduled for February 21, 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, Dr. Blake, Chairperson adjourned the meeting at 10:35 a.m.

Respectfully submitted,

\*signature available upon request\*

Wesley Zeger, DO, Secretary  
Board of Medicine and Surgery