

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

May 20, 2022

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Jodanne Hedrick, DO, at 9:05 a.m. on May 20, 2022, 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:

Jodanne Hedrick, DO, Chairperson
Brian Keegan, MD, Vice-Chairperson
Rachel Blake, MD, Secretary
Maria Michaelis, MD
John Massey, MD
Mark Goodman, MD
Adam Kuenning
Jeffrey Howorth

Absent: None

A quorum was present and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, via WebEx, Jan Gadeken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General, via WebEx; Mark Meyerson, Carla Cue, Jeff Newman and Kathleen Krueger Investigators with the Investigation Unit; Suzanna Glover-Ettrich, Department Attorney, via WebEx and Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations.

Dr. Hedrick 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 May 9, 2022.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

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

Anderson, David Eric, MD – Reinstatement License Application
Clark, Jason, MD - Reinstatement after Discipline License Application Requesting Removal of Limitation
Duffy, Walter, MD – Request for Waiver for the four (4) PA Supervision Requirement Application

2022 LEGISLATION UPDATES

Dexter Schrodtt, JD, VP Advocacy & Regulation, In-House Counsel, with the NMA (Nebraska Medical Association), was present to discuss and provide updates to the Board on the 107th Legislature, 2nd Session.

The Legislature has adjourned Sine Die.

Dexter mentioned three 407 Credentialing Reviews that will be of interest to the Board of Medicine:

- **Nebraska Optometric Association**

The letter of Intent summarized the proposed changes as:

1. Allow Doctors of Optometry to perform selective laser trabeculoplasty for the treatment of glaucoma.
2. Authorize the Board of Optometry to establish additional requirements and qualifications to certify licensees related to the enhanced authority.

A meeting was held on April 7, 2022 and the next scheduled meeting is on June 7, 2022. To see information regarding the Optometric 407 go to:

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

- **Pharmacy Technician**

The letter of Intent is requesting a review to allow the following language to be added to Nebraska Revised Statute Section 38-2891:

- A pharmacy technician may administer vaccines, and such administration shall not be considered to be performing a task requiring the professional judgment of a pharmacist, when:
 - (a) The vaccines are verified by the pharmacist responsible for the supervision and verification of the activities of the pharmacy technician prior to administration;
 - (b) Administration is limited to intra-muscular in the deltoid muscle or subcutaneous on the arm to a person three years of age or older;
 - (c) The pharmacy technician is certified as required by Section 38-2890;
 - (d) The pharmacy technician has completed certificate training in vaccine administration that includes, at a minimum, vaccine administration, blood-borne pathogen exposure, safety measures during administration, and biohazard handling;
 - (e) The pharmacy technician is currently certified in basic life support skills for health care providers as determined by the Board of Pharmacy; and
 - (f) The pharmacist responsible for the supervision and verification of the activities of the pharmacy technician is on site.

A meeting is scheduled for June 28, 2022. To see information regarding the Pharmacy Technician 407 go to: [https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Pharmacy-Technician.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Pharmacy-Technician.aspx)

- **Anesthesiologist Assistant**

A letter of Intent has not been listed on the DHHS website to date. To see information regarding the Anesthesiologist 407 go to:

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

REGULATIONS UPDATE

There were no Regulation updates at this time.

APPROVAL OF MINUTES OF THE MEETING

Massey moved, seconded by Michaelis to approve the minutes for April 15, 2022 as presented. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. 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 9:36 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, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Goodman Recused himself at 9:37 a.m.
Goodman Returned at 9:42 a.m.

Goodman Recused himself at 9:56 a.m.
Goodman Returned at 9:58 a.m.

The Board members returned to open session at 10:45 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

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

ANDERSON, DAVID ERIC, MD – application for Reinstatement license to practice medicine and surgery. Massey moved, seconded by Goodman, to recommend denial of the reinstatement to practice medicine and surgery. Basis for the denial is misstatements on the application. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

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

CLARK, JASON, MD – application for Reinstatement after Discipline, requesting removal of limitation on license to practice medicine and surgery. Goodman moved, seconded by Kuenning to recommend denial of the request to remove the limitation on the license. Basis for the denial is insufficient evidence to support the removal of the limitation. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Request for Waiver of the Four (4) PA Supervision Requirement Application(s) (1)

DUFFY, WALTER J., MD – application for Waiver of the four (4) PA Supervision Requirement for the practice of medicine and surgery. Kuenning moved, seconded by Goodman to deny the waiver request to add 4 additional PA's for supervision. Basis for the denial is that the applicant failed to show just cause. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

FSMB ANNUAL MEETING REPORT

The Federation of State Medical Boards (FSMB) Annual Meeting was held April 28-30, 2022 in New Orleans, LA. Dr. Massey attended the meeting and represented the Nebraska Board of Medicine and Surgery as the Voting Delegate.

At the FSMB's 110th Annual Meeting in New Orleans, the FSMB adopted new policies on medical disinformation, telemedicine, DEI (Diversity, Equity and Inclusion) and emergency preparedness and response. To view the policies adopted by the House of Delegates at the meeting go to:

<https://www.fsmb.org/advocacy/news-releases/fsmb-adopts-policies-on-medical-disinformation-telemedicine-dei-emergency-preparedness-and-response/>

Dr. Massey identified three issues that were discussed at the meeting that stood out to him:

- Physician Impairment – the FSMB revised policies on controlled substance and long term career issues: <https://www.fsmb.org/siteassets/advocacy/policies/report-of-workgroup-on-sexual-misconduct-adopted-version.pdf>
- Sexual Predators Identification – FSMB policies to protect the public: <https://www.fsmb.org/siteassets/advocacy/policies/policy-on-physician-impairment.pdf>
- COVID – the issues became too political and the FSMB push back is to advocate for standard of care, science and patient care

To learn more about the FSMB and the Annual Meeting visit: <https://www.fsmb.org/>

BOARD MEETING SCHEDULE

The next Board of Medicine and Surgery meeting is scheduled for June 24, 2022 in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule for 2022, visit the DHHS website: <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Hedrick, Chairperson adjourned the meeting at 11:15 a.m.

Respectfully submitted,

signature available upon request

Rachel Blake, MD, Secretary
Board of Medicine and Surgery