

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

June 24, 2022

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Jodanne Hedrick, DO, at 9:04 a.m. on June 24, 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
Maria Michaelis, MD
John Massey, MD
Mark Goodman, MD
Adam Kuenning
Jeffrey Howorth

Absent: Rachel Blake, MD, Secretary

A quorum was present and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gadeken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Mark Meyerson, Investigator with the Investigation Unit; Suzanna Glover-Ettrich, Department Attorney 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 June 10, 2022 and revision posted on June 17, 2022.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

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

Kobza, Paul Edward, Jr., DO – Initial License Application
Leland, Robert, MD – Initial License Application
Cunard, Robert, MD - Reinstatement after Discipline Requesting Early Release from Probation
Fraser, Jeffrey, MD – Reinstatement after Discipline Requesting Early Release from Probation & Dismissal of Civil Penalty

Howorth moved, seconded by Massey to approve adoption of the Pharmaceutical Care Agreements Consent Agenda. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Blake. Abstain: None. Motion carried.

PUBLIC PRESENTATION

Dr. Jeffrey Fraser was present at the meeting. Dr. Fraser addressed the Board regarding his Reinstatement after Discipline Physician Application requesting early release from probation and dismissal of civil penalty that has been submitted for Board review.

2022 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President, with the NMA (Nebraska Medical Association), was present to discuss and provide updates to the Board on the 107th Legislature.

Amy mentioned that the NMA is anticipating a potential special session.

LB933 - Adopt the Nebraska Human Life Protection Act – the NMA strongly opposes language in this bill regarding felony penalties for physicians treating patients according to the standard of care. The NMA will be working to remove this language from LB933. The NMA as well is strongly concerned with preserving IVF.

To learn more about LB933, the introduction of the bill and the many amendments go to:

https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=47304

Updates on the 407 Credentialing Reviews for scope of practice expansions:

- **Nebraska Optometric Association**
A meeting was held on June 7, 2022. To see the minutes from that meeting and the agenda for the next scheduled meeting on 7/27/2022 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**
A meeting is scheduled for June 28, 2022. To see the agenda and the minutes from that meeting and the agenda for the next scheduled meeting on 8/17/2022 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 meeting is scheduled for 8/25/2022. To see the agenda for that meeting 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)

The NMA is also exploring what to do about the Hospital Medical Liability Fund – it is not solvent. Amy has met with carriers and is also consulting with Cline Williams and will be scheduling meetings with the Department of Insurance.

REGULATIONS UPDATE

There were no Regulation updates at this time.

APPROVAL OF MINUTES OF THE MEETING

Goodman moved, seconded by Massey to approve the minutes for May 20, 2022 as presented. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Blake. Abstain: None. Motion carried.

LIFEBRIDGE - NEBRASKA'S PHYSICIAN WELLNESS PROGRAM

Lindsey Hanlon, M.S., CPH, LifeBridge Program Coordinator with the Nebraska Medical Association and Dr. Todd Stull, Medical Director for LifeBridge Nebraska joined the meeting to make a presentation to the Board to share an in-depth overview of the LifeBridge program.

LifeBridge is not just another wellness program, it's a preventative approach to address the spectrum of burnout. Rates of physician burnout are two times higher than any other profession. Physicians need a confidential resource. LifeBridge is not treatment or an employee assistance program. LifeBridge is confidential coaching that's non-discoverable coaching from trained coaches. There are no medical records created or written notes. LifeBridge aligns with Nebraska state laws to preserve the client/coach relationship.

The basic sequence of how LifeBridge functions:

- A Physician in need calls into LifeBridge (1-888-569-2036)
- The call center takes basic information and identifies a coach to connect with
 - Completely Confidential – no electronic medical records created, no reporting to employer and no reporting to medical board or licensure
- The Physician is given the coach's contact information to connect with
- The Physician and Coach meet
 - Each step in this process is adaptable to the physician's needs including: length of sessions, number of sessions, how to meet (in-person, phone, virtually, text, email) and when to meet.
- The Physician completes a satisfaction survey

To reiterate LifeBridge is coaching only, no patient - physician relationship is established, no diagnosis is made and no records.

Why does physician wellness matter? Because the consequences threaten health systems and hospitals both directly and indirectly:

- Direct Consequences
 - Turnover
 - Early Retirement
 - Reducing hours
- Indirect Consequences
 - Poor care quality
 - Increased medication errors
 - Unnecessary testing
 - Greater malpractice risk
 - Loss of patient satisfaction and loyalty

LifeBridge is available free for all Nebraska licensed physicians and residents. It's funded through the Nebraska Medical Foundation, health care systems, hospitals, corporate sponsors and payers.

To discover more about LifeBridge, Nebraska's Physician Wellness Program go to:
<https://lifebridgenebraska.org/>

Board Break 10:37 a.m.
Board Reconvened 10:45 a.m.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Michaelis moved, seconded by Howorth, to go into closed session at 10:47 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: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Blake. Abstain: None. Motion carried.

The Board members returned to open session at 11:46 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician and Osteopathic Physician Initial Application(s) (2)

KOBZA, PAUL EDWARD, JR, DO – application for Initial license to practice medicine and surgery. Massey moved, seconded by Howorth, to recommend denial of the application to practice medicine and surgery. Basis for the denial is disciplinary action in another state. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Blake. Abstain: None. Motion carried.

LELAND, ROBERT HARVEY, MD – application for Initial license to practice medicine and surgery. Goodman moved, seconded by Kuenning to recommend approval of the application to practice medicine and surgery. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Blake. Abstain: None. Motion carried.

Physician and Osteopathic Physician Reinstatement after Discipline Application(s) (2)

CUNARD, ROBERT, MD – application for Reinstatement after Discipline, requesting early release from probation on the license to practice medicine and surgery. Goodman moved, seconded by Howorth to recommend denial of the request for early release from probation on the license. Basis for the denial is insufficient evidence to support the change in the original probationary period. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Blake. Abstain: None. Motion carried.

FRASER, JEFFREY, MD – application for Reinstatement after Discipline, requesting early release from probation and dismissal of the civil penalty on the license to practice medicine and surgery. Massey moved, seconded by Howorth to recommend denial of the request for early release from probation and the dismissal of the civil penalty on the license. Basis for the denial is insufficient evidence to support the change in the original probationary period and or terms. Voting aye: Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Blake. Abstain: None. Motion carried.

IV HYDRATION THERAPIES

Evidence Based Care - The Nurse Practice Consultant for the Nursing program area is considering a joint advisory from the APRN Board and Practice Committee for the Board of Nursing in conjunction with the Board of Medicine and Surgery and the Board of Pharmacy. The joint advisory would address various practices for which the Department receives regular inquiries regarding IV Hydration, including who can prep the IV bag, and who can administer.

FSMB IMPROVING LICENSURE FOR WORKFORCE WELLBEING

One of the sessions at the FSMB annual conference was concerned with states auditing their licensure applications to change or remove any invasive or stigmatizing language and communicate to physicians that it is safe for them to seek mental health care.

Jesse reiterated to the Board that we have taken steps at a Department level to review all applications and where possible consider what questions we are asking and if we are getting the information that we have a statutory obligation to collect. Through the application process all physician concerns must be balanced with public safety considerations. Within the past few years we have reviewed and made modifications to our application to address concerns around these sensitive topics. Again we continue to consider the questions we ask on all applications to protect the applicant but also to ensure we are taking appropriate steps to protect public safety.

To view the Nebraska MD/DO application go to:

<https://dhhs.ne.gov/licensure/Documents/FullMedicalApplication.pdf>

BOARD MEETING SCHEDULE

The next Board of Medicine and Surgery meeting is scheduled for August 5, 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 12:00 p.m.

Respectfully submitted,

signature available upon request

Brian Keegan, MD, Vice Chairperson
Board of Medicine and Surgery