

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

### **MEETING MINUTES October 20, 2023**

#### **ROLL CALL**

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Brian Keegan, MD, at 9:03 a.m. on October 20, 2023, 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:

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

Absent: None

A quorum was present, and the meeting convened.

Also present to participate in the meeting: Vonda Apking, Interim Program Manager, and Jan Gadeken-Harris, Health Licensing Coordinator, with the Licensure Unit; Mindy Lester, Assistant Attorney General; Abigail Nissen, Assistant Attorney General; Kathleen Krueger, Carla Cue, Jeff Newman and Mark Meyerson, Investigators with the Investigation Unit; Juliann Lanphier-Willson, Department Attorney and Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations.

Dr. Keegan 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 October 6, 2023 and revision posted October 18, 2023.

#### **REVIEW OF AGENDA**

Kuenning moved, seconded by Michaelis 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:

Ali, Maman, MD – Reinstatement after Discipline, Requesting Reinstatement after Suspension  
Beckett, Heidi, MD - Reinstatement after Discipline, Requesting Reinstatement after Suspension  
Fraser, Jeffrey, MD – Reinstatement after Discipline, Requesting Early Release from Probation  
Vonderfecht, Scott, MD – Requesting Waiver of the (4) Four PA Supervision Requirement  
Dudek, Olivia – TEP Initial Application

Kuenning moved, seconded by Howorth to approve adoption of the Pharmaceutical Care Agreements Consent Agenda. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. 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 that has been submitted for Board review.

## **2023 LEGISLATION UPDATES**

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

LB574 Adopt the Let Them Grow Act

There has been a lot of activity and amendments with this bill

Provisions/portions of [LB626](#) amended into [LB574](#) by [AM1658](#)

Passed on final reading and presented to the Governor May 19, 2023

Approved by the Governor on May 22, 2023

Slip Law: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Slip/LB574.pdf>

To learn more about LB574 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB574.pdf>

On October 1, 2023, Dr. Timothy Tesmer, Chef Medical Officer requested the adoption of emergency regulations to implement the requirements pertaining to Title 181 NAC 8. There will be a Public Hearing on November 28, 2023, from 7:00 a.m. to 7:00 p.m. at the Lancaster Event Center, in the Lincoln Room, 4100 N 84<sup>th</sup> St, Lincoln, NE 68507. To learn more visit:

<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2703.pdf>

<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/2701.pdf>

## **REGULATIONS UPDATE**

There were no updates currently.

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

Goodman moved, seconded by Hedrick to approve the minutes for September 15, 2023, 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 Hedrick, to go into closed session at 9:33 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.

Kuenning Recused himself at 10:01 a.m.

Kuenning Returned at 10:07 a.m.

Board Break 10:40 a.m.

Board Reconvened 10:58 a.m.

The Board members returned to Open Session at 11:29 a.m.

## **APPLICATION REVIEW – OPEN SESSION**

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

#### **Physician and Osteopathic Physician Reinstatement after Discipline Application(s) (3)**

**ALI, MAMAN, MD** – application for Reinstatement after Discipline, requesting reinstatement after suspension on his license to practice medicine and surgery. Goodman moved, seconded by Massey, to recommend denial of the application for reinstatement after suspension to practice medicine and surgery. Basis for the denial is previous substance abuse and previous disciplinary action. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

**BECKETT, HEIDI, MD** – application for Reinstatement after Discipline, requesting reinstatement after suspension on her license to practice medicine and surgery. Hedrick moved, seconded by Blake, to recommend denial of the application for reinstatement after suspension to practice medicine and surgery. Basis for the denial is previous disciplinary action. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

**FRASER, JEFFREY, MD** – application for Reinstatement after Discipline, requesting early release from probation on the license to practice medicine and surgery. Kuenning moved, seconded by Blake to recommend denial of the request for early release from probation on the license. Basis for the denial is that there is insufficient new evidence to change the original agreed upon probationary period that was set forth in the Agreed Settlement dated July 25, 2019. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

#### **Physician Assistant Waiver Request Application(s) (1)**

**VONDERFECHT, SCOTT, MD** – second application requesting permission to supervise more than (4) four physician assistants at any one time. Goodman moved, seconded by Howorth, to recommend denial of the request to supervise more than (4) four physician assistants at any one time. Basis was insufficient new evidence to support the waiver request. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

#### **TEP Initial Application(s) (1)**

**DUDEK, OLIVIA** – application for Initial license to practice medicine and surgery with a Temporary Education Permit. Hedrick moved, seconded by Howorth, to recommend denial of the application to practice medicine and surgery with a Temporary Education Permit. Basis for the denial is substance abuse and insufficient evidence of sobriety. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

## **BOARD DISCUSSION(S)**

### **A. Composition of a Board of Medicine and Surgery Newsletter.**

Vonda Apking will prepare a draft of the newsletter that Dr. Hedrick presented to the Board for the first edition of the newsletter. The Board will review/approve the draft at the next meeting in December. The Board approved draft will then be presented to the DHHS Legal Department prior to publishing.

It was mentioned that there may be an alternative to discipline for ALL licensees. The Nebraska License Assistance Program (LAP) is a benefit for Nebraska health and health-related service licensees, certificate holders and registrants. It basically is another approach to a Physician Health Program, with the exception that it is available for ALL licensees not just physicians. Because licensees may not be familiar with the LAP the Board feels this will be an excellent topic to discuss in more detail in one of the future newsletters.

To learn more now about the LAP, visit the DHHS public website at:  
<https://bestcareeap.org/nebraska-licensee-assistance-program>

**B. IMLCC (International Medical License Compact Commission)**

Kuenning moved, seconded by Howorth, to nominate Vonda Apking, Interim Program Manager to represent the Nebraska Board of Medicine and Surgery as a Commissioner with the IMLCC. Voting aye: Blake, Goodman, Hedrick, Howorth, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: None. Abstain: None. Motion carried.

**C. FSMB (Federation of State Medical Boards) 2024 Symposium on Artificial Intelligence (AI) in Health Care & Medical Regulation**

The AI Symposium is schedule for January 17, 2024 in Washington, D.C. None of the Board members will be available to attend. Vonda Apking, will attend the symposium and represent the Department and the Board of Medicine and Surgery.

**BOARD MEETING SCHEDULE**

The next meeting is scheduled for December 8, 2023, 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>

Board recessed at 11:50 a.m. before the Board Hearing scheduled at 1:00 p.m.

Howorth left the meeting at 12:45 p.m.

Board Returned from the recess to Open Session at 1:00 p.m.

**BOARD HEARING**

The Hearing facilitator announced the Board would go into Closed Session for review at 1:50 p.m.

The Board reconvened at 2:10 p.m. following the conclusion of the Board Hearing review and the following recommendation was approved by the Board in Open Session:

FULLER, SAMUEL EDWARD, MD – Application for Reinstatement after Discipline, requesting early release from probation of the license #23277. Kuenning moved, seconded by Blake, to approve the request for early release from probation. Basis for the approval is that the evidence supports a recommendation to reinstate the license without limitations or probation. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Howorth. Abstain: None. Motion carried.

**ADJOURNMENT**

There being no further business, Keegan, Chairperson adjourned the meeting at 2:15 p.m.

Respectfully submitted,

\*signature available upon request\*

Adam Kuenning, JD, LLM, Secretary  
Board of Medicine and Surgery