

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

December 9, 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 December 9, 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 via WebEx
Rachel Blake, MD, Secretary
Mark Goodman, MD
Adam Kuenning
John Massey, MD
Maria Michaelis, MD

Absent: Jeffrey Howorth

A quorum was present, and the meeting convened.

Also present to participate in the meeting: Lindsay Braddock, Administrator, Jesse Cushman, Program Manager, Jan Gadeken-Harris, Health Licensing Coordinator, all with the Licensure Unit; T. J. O'Neill, Assistant Attorney General; Carla Cue and Brittany Bigham, Investigators with the Investigation Unit and Suzanna Glover-Etrich and Jennifer Mirales, Department Attorneys via WebEx.

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 November 22, 2022 and revision posted on December 6, 2022.

REVIEW OF AGENDA

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

Additions, Modification, Reordering

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

Lizardi, Jose Luis, MD – Initial Application

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

2022 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.

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

- **Nebraska Optometric Association**
The next scheduled meeting is January 17, 2023. To see updates, go to:
[https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Optometry.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Optometry.aspx)
- **Anesthesiologist Assistant**
A meeting was held December 7, 2022. To see the minutes from that meeting and updates 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 next scheduled meeting is January 10, 2023.

The 108th Legislature, First Session is scheduled to convene January 4, 2023. Legislative bills of interest that the NMA anticipates will be presented concern the following topics:

- The Hospital Medical Liability Fund/Excess Liability Fund – legislation to address increasing the liability limits
- Increase to the Medicaid reimbursement rates for physical health
- White Bagging
- Prior Authorization reform
- Expanding post-partum Medicaid coverage from 60 days to 12 months.
- Medical Marijuana
- Telehealth parity for physical health
- Hospital Association seeking funding for career and technical education

REGULATIONS UPDATE

There were no Regulation updates to discuss at this time.

MATERNAL DEPRESSION – Presentation by Sara Howard & Syndie Carraher

Syndie Carraher, APRN-NP, Program Administrator NPQIC (The Nebraska Perinatal Quality Improvement Collaborative) and Sara Howard, J.D., Policy Associate, First Five Nebraska were present at the meeting to discuss with the Board “maternal depression” and the Legislative Bill 905 from the last session, which was passed into law effective July 21, 2022: <https://nebraskalegislature.gov/laws/statutes.php?statute=38-2064>

Syndie shared with the Board that approximately 4,500 new babies per year live in an environment that predisposes them to health issues, cognitive impairment, developmental delays, and behavioral problems as a result of undiagnosed and untreated parental depression.

Screening is the key and there are effective, free and validated screening tools that exist to identify mothers and fathers at risk for perinatal depression. Treatment is available and can have a significant impact on outcomes.

NPQIC launched in the fall of 2020 with a three-year statewide depression screening and referral project. It is funded by the Pritzker Foundation through a sub-award from First Five Nebraska. The aim is that by July of 2023 that parents from all areas of Nebraska will consistently be screened and subsequently treated for perinatal depression. The goal is to establish perinatal depression screening as the standard of care in all clinics, hospitals and NICU’s caring for obstetric and pediatric patients and to identify state-wide treatment referral systems.

The proposed minimum screening timeline:

- Mothers
 - At least once prenatally
 - During birth hospitalization
 - At comprehensive postpartum visit
 - At baby’s 1, 2, 4 and 6 month well child visits
- Fathers
 - At least once within the first 6 months of birth
- NICU parents
 - At 7-14 and 30 days postpartum and then every 30 days thereafter

Sara shared with the board that LB 905 was introduced January 7, 2022 and approved by the Governor on April 18, 2022. Supporters of the Bill include:

- Nebraska perinatal Quality Improvement Collaborative (NPQIC)
- Children’s Hospital and Medical Center
- Nebraska Chapter of the American Academy of Pediatrics
- March of Dimes
- Nebraska Medical Association (NMA)
- Nebraska Children’s Home Society
- First Five Nebraska

The Purpose is to Authorize the Board of Medicine and Surgery to work with accredited hospitals and licensed health care professionals to create policies to facilitate perinatal mental health screening.

At the present time Nebraska does not have Statute regarding “Maternal Depression”.

Goodman moved, seconded by Kuenning to develop a draft “Letter of Support” to be reviewed and approved by the Board at the next Board meeting to submit to the Legislature. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Howorth. Abstain: None. Motion carried.

BOARD DISCUSSION TO ADVOCATE FOR A PHP (PHYSICIAN HEALTH PROGRAM)

Todd Stull, MD, CPDC, the Medical Director for LifeBridge Nebraska was present at the meeting to discuss with the Board the importance of developing a PHP for Nebraska. Nebraska is one of the only states that does not currently have a PHP. PHPs are voluntary and confidential and are preventative and proactive programs for physicians and other healthcare professionals suffering from addictive, psychiatric, medical, behavioral or other potentially impairing conditions. To learn more, check out the **Federation of State Physician Health Programs** <https://www.fsphp.org/>

The development of a PHP for Nebraska would not replace the programs that are currently available in Nebraska, which are:

- Nebraska Licensee Assistance Program - <https://bestcareeap.org/nebraska-licensee-assistance-program>
 - Resource for helping health service professionals overcome alcohol and substance use disorders
- LifeBridge Nebraska’s Physician Wellness Program - <http://lifebridgenebraska.org/about/>
 - A coaching proactive approach to support the wellbeing of physicians throughout their lives

Dr. Stull indicated that there are three issues to address with developing a PHP:

- 1) Who will sponsor the program
- 2) Funding for the program
- 3) Legislative Statute to move forward

Massey moved, seconded by Kuenning to support the formation of a Nebraska PHP. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Howorth. Abstain: None. Motion carried.

Kuenning volunteered to draft a letter of support for the Board to review and approve at the next Board meeting.

Amy Reynoldson indicated that the NMA will support and draft model language to propose a legislative bill and to look for legislative sponsorship.

APPROVAL OF MINUTES OF THE MEETING

Kuenning moved, seconded by Goodman to approve the minutes for October 21, 2022, as presented. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Howorth. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Goodman moved, seconded by Kuenning, to go into closed session at 10:40 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, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Howorth. Abstain: None. Motion carried.

Board Break 10:40 a.m.
Board Returned 10:50 a.m.

The Board members returned to Open Session at 11:30 a.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

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

LIZARDI, JOSE LUIS, MD – application for Initial license to practice medicine and surgery. Goodman moved, seconded by Massey, to recommend denial of the application to practice medicine and surgery. The basis for the denial is action in another state. Voting aye: Blake, Goodman, Hedrick, Keegan, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Howorth. Abstain: None. Motion carried.

PRACTICE QUESTION(S)

A. Can a licensed practitioner be present virtually for fluoroscopy (i.e., a licensed radiographer performing fluoroscopy and a radiologist being virtual)?

The Board recommended consulting your own legal counsel. This is not addressed specifically in the Statutes. The Medicine and Surgery Practice Act and Regulations; the Medical Radiography Practice Act and Regulations; the Uniform Credentialing Act and the Nebraska Telehealth Act can all be reviewed on the DHHS public website:

<https://dhhs.ne.gov/licensure/Pages/Medicine-and-Surgery.aspx>

<https://dhhs.ne.gov/licensure/Pages/Medical-Radiography.aspx>

BOARD MEETING SCHEDULE

The next meeting is scheduled for January 27, 2023, in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule, 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 11:45 a.m.

Respectfully submitted,

signature available upon request

Rachel Blake, MD, Secretary
Board of Medicine and Surgery