



Division of Public Health

Licensure Unit, PO Box 94986, Lincoln NE 68509-4986
Phone (402) 471-2111 Fax (402) 471-1066
Licensure Fiscal <http://www.nebraska.gov/LISSearch/seach.cgi>
Applications <http://www.dhhs.ne.gov/crl/profindex1.htm>

State of Nebraska

Dave Heineman, Governor

January 20, 2010

Susan Theresa Howard, MD
420 West 5th Street
Suite 201
Hastings, NE 68901

Dear Dr. Howard:

This letter is written to notify you that our office has received verification that you have successfully completed the educational requirements required by Order on Agreed Settlement issued by the Chief Medical Officer on August 25, 2009. According to our records, you have met all the requirements of the aforementioned Order.

If you have questions or concerns, please contact Ruth Schuldt, Compliance Monitor, at (402) 471-0313.

Sincerely,

Helen L. Meeks, Administrator
Licensure Unit

HLM/sn

cc: Ruth Schuldt, Compliance Monitor

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel.,)
JON BRUNING, Attorney General,)
)
Plaintiff,)
)
v.)
)
SUSAN HOWARD, M.D.,)
)
Defendant.)


LICENSURE UNIT
H09-1845 AUG 27 2009
RECEIVED
ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on August 20, 2009.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the amended petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.


DATED this 25 day of August, 2009.



Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 26 day of August 2009, a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by certified United States mail, postage prepaid, return receipt requested, to **Joseph S. Daly, Sodoro, Daly & Sodoro, PC, 7000 Spring Street, 200 Century Professional Plaza, Omaha, NE 68106** by interoffice mail to **Susan M. Ugai**, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Ashlea Cedrone
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376



**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**

STATE OF NEBRASKA, ex rel. JON)
BRUNING, Attorney General,)
)
 Plaintiff,)
)
 v.)
)
 SUSAN HOWARD, M.D.,)
)
 Defendant.)

AGREED SETTLEMENT LICENSURE UNIT

AUG 27 2009

RECEIVED

The Plaintiff and the Defendant, Susan Howard, M.D., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. At all times relevant herein, the Defendant, Susan Howard, M.D., has been the holder of license # 19273 issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") to practice medicine.
2. The Defendant acknowledges receipt of a copy of the Petition for Disciplinary Action and waives the need for further service of the Petition upon her.
3. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.
4. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce her to enter into this Agreed Settlement.

5. The Defendant acknowledges that she has read the Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant admits the allegations of the Petition for Disciplinary Action.

6. The Defendant and the Plaintiff agree that the Chief Medical Officer enter a final disciplinary order finding the allegations of the Petition for Disciplinary Action are true.

7. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a disciplinary order which imposes a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). The civil penalty shall be payable in full within six (6) months from the date the Chief Medical Officer enters a disciplinary order in accordance with this Agreed Settlement. In the event the Defendant fails to pay the civil penalty in full by the stated deadline, the Chief Medical Officer may summarily suspend the Defendant's license, which suspension shall remain in effect until the civil penalty is paid in full.

8. The Plaintiff and the Defendant consent to the Chief Medical officer entering a disciplinary order requiring the Defendant to complete a Board pre-approved Professional Boundaries course within six months from the date the Chief Medical Officer enters a disciplinary order in accordance with this Agreed Settlement.

9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with Neb. Rev. Stat. § 71-161.03 (Reissue 2003).

10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

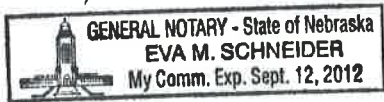
Dated this 24 day of July, 2009.

AGREED TO:

Susan Howard MD
Dr. Susan Howard
Defendant

State of Nebraska)
County of Adams) ss.

Acknowledged before me by Dr. Susan Howard on this 24 day of July, 2009.



Eva M. Schneider
Notary Public

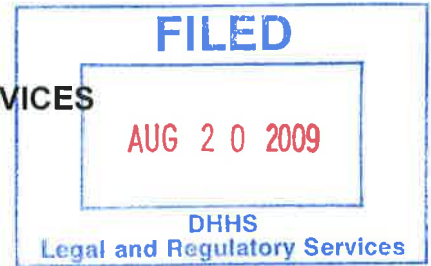
STATE OF NEBRASKA, ex rel. JON BRUNING, Attorney General, Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: Susan M. Ugai
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
(402) 471-9658

Attorneys for Plaintiff.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA, ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
vs.)
)
SUSAN HOWARD, M.D.,)
)
Defendant.)

AMENDED
PETITION FOR
DISCIPLINARY ACTION

LICENSURE UNIT

AUG 26 2009

RECEIVED

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on NEB. REV. STAT. § 71-150 (Reissue 2003).
2. At all times relevant herein, the Defendant, Susan Howard, M.D., has been the holder of license #19273 which was issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") for her practice as a medical doctor.
3. The Department is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of medicine.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 71-168.01(7) and 71-168.01(8) (Reissue 2003).
5. Defendant began treating patient D.R. in 2002 or 2003 when she was hospitalized. D.R. began working at H.R.C. on March 6, 2006. Defendant began

termination of treatment of D.R. before D.R. started working at H.R.C. However, Defendant did treat D.R. on two occasions after March 6, 2006, the last treatment being March 18, 2006.

6. D.R. moved into Defendant's home at the end of June 2006 and worked as a housekeeper, nanny, cook, and laundress for Defendant until October of 2006. D.R. also states she managed Defendant's psychiatric clinic and that Defendant gave her samples of Lexapro while she was living with the Defendant.

FIRST CAUSE OF ACTION

7. Paragraphs 1 through 6 are incorporated herein by reference.

8. NEB. REV. STAT. § 71-147 (10) (2006 Cum.Supp.) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

9. NEB. REV. STAT. § 71-148(22) (Reissue 2003) defines unprofessional conduct as such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder or registrant with the approval of the Department.

10. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or of a third party, which includes, but is not limited to, the promotion or sale of services, goods, or drugs.

11. Title 172 Chapter 88-013.21 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.

12. The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry, Section 1, 2006 Edition, states a psychiatrist shall not gratify his or her own needs by exploiting the patient. The psychiatrist shall be ever vigilant about the impact that his or her conduct has upon the boundaries of the doctor-patient relationship, and thus upon the well-being of the patient.

13. Defendant's conduct with patient D.R. violated professional boundaries, is unprofessional conduct, and is grounds for discipline.

SECOND CAUSE OF ACTION

14. Paragraphs 1 through 13 are incorporated herein by reference.

15. NEB. REV. STAT. § 71-147(5) (2006 Cum. Supp.) provides that a professional license may be disciplined, revoked, or suspended for practice of the profession in a pattern of negligent conduct in performing the duties of the profession.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to NEB. REV. STAT. §71-155 (Reissue 2003), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA ex rel. JON BRUNING,
Attorney General, Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 

Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682

Attorneys for the Plaintiff.

CERTIFICATE OF SERVICE

Now on this 8th day of July, 2009, a true and correct copy of the above Amended Petition for Disciplinary Action was sent by U.S. mail to Defendant's attorney, Joseph S. Daly, Sodoro, Daly & Sodoro, P.C., 200 Century Professional Plaza, 7000 Spring Street, Omaha, NE 68106.



Susan M. Ugai, #16677

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

LICENSURE UNIT

STATE OF NEBRASKA ex rel.,)
JON BRUNING, Attorney General,)

Plaintiff,)

vs.)

SUSAN HOWARD, M.D.,)

Defendant.)

H09-1845

JUN 19 2009

RECEIVED


NOTICE OF HEARING

A Petition for Disciplinary Action was filed with the Director on May 18, 2009, in the above captioned matter.

The Director has set this matter presented by said petition for hearing on **October 1, 2009 at 9:00 a.m.** Report to the DHHS Division of Public Health hearing room located in the Gold's Building, 1050 N Street, Suite 113, Lincoln, Nebraska.

You shall have the opportunity to appear and defend against said petition at said time and place. You are further notified that you may present such witnesses and such evidence at said time and place as you may care to present and answer to the charges of said petition and that you may be represented by legal counsel at said hearing. Hearings are conducted according to Neb. Rev. Stat. §§71-155 and 84-901 et seq., and the Rules of Practice and Procedure of the Department, 184 NAC 1, a copy of which may be obtained from <http://www.dhhs.ne.gov>.. If auxiliary aids or reasonable accommodations are needed for participation in the hearing, please call Ashlea Cedrone, (402) 471-7237, or for persons with hearing impairments, (402) 471-9570 TDD, or the Nebraska Relay System, 711 TDD, prior to the hearing date.

DATED this 9th day of June 2009.


James J. Smith
Hearing Officer

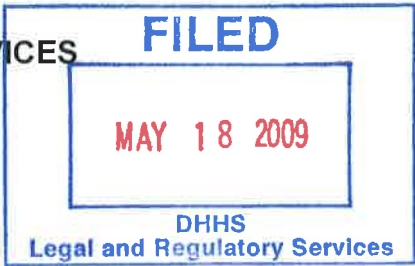
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 9th day of June 2009, a copy of the foregoing **NOTICE OF HEARING** was sent by certified United States mail, postage prepaid, return receipt requested, to, **Susan Howard, P.O. Box 727, Hastings, NE 68902-0727** and by interagency mail to **Susan M. Ugai**, Assistant Attorney General, 2115 State Capitol Building, Lincoln, Nebraska.



Ashlea Cedrone
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON)
BRUNING, Attorney General,)
)
 Plaintiff,)
)
 v.)
)
 SUSAN HOWARD, M.D.,)
)
 Defendant.)

PRAECIPE
LICENSURE UNIT
JUN JUN 12 2009
RECEIVED

TO: Office of the Chief Medical Officer:

Please issue a Notice of Hearing along with a copy of the Petition for Disciplinary Action for service upon the Defendant by certified mail, return receipt, at the following address:

P.O. Box 727
Hastings, NE 68902-0727

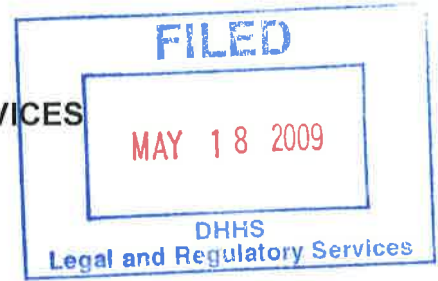
THE STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General, Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugal, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
Tel: (402) 471-9658

Attorneys for Plaintiff.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA, ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
vs.)
)
SUSAN HOWARD, M.D.,)
)
Defendant.)

PETITION FOR
DISCIPLINARY ACTION

LICENSURE UNIT
JUN 02 2009
RECEIVED

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on NEB. REV. STAT. § 71-150 (Reissue 2003).
2. At all times relevant herein, the Defendant, Susan Howard, M.D., has been the holder of license #19273 which was issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") for her practice as a medical doctor.
3. The Department is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of medicine.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 71-168.01(7) and 71-168.01(8) (Reissue 2003).

5. Defendant began treating patient D.R. in 2002 or 2003 when she was hospitalized. Defendant then asked D.R. to work for her at the H.R.C. D.R. began her work on March 6, 2006. Defendant treated D.R. on two occasions after March 6, 2006.

6. Defendant then hired D.R. to house sit for her over the Memorial Day weekend of 2006. D.R. then moved into Defendant's home at the end of June 2006 and worked as a housekeeper, nanny, cook, and laundress for Defendant until October of 2006. D.R. also states she managed Defendant's psychiatric clinic and that Defendant gave her samples of Lexapro while she was living with the Defendant.

FIRST CAUSE OF ACTION

7. Paragraphs 1 through 6 are incorporated herein by reference.

8. NEB. REV. STAT. § 71-147 (10) (2006 Cum.Supp.) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

9. NEB. REV. STAT. § 71-148(22) (Reissue 2003) defines unprofessional conduct as such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder or registrant with the approval of the Department.

10. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or of a third party, which includes, but is not limited to, the promotion or sale of services, goods, or drugs.

11. Title 172 Chapter 88-013.21 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal

standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.

12. The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry, Section 1, 2006 Edition, states a psychiatrist shall not gratify his or her own needs by exploiting the patient. The psychiatrist shall be ever vigilant about the impact that his or her conduct has upon the boundaries of the doctor-patient relationship, and thus upon the well-being of the patient.

13. Defendant's conduct with patient D.R. violated professional boundaries, is unprofessional conduct, and is grounds for discipline.

SECOND CAUSE OF ACTION

14. Paragraphs 1 through 13 are incorporated herein by reference.

15. NEB. REV. STAT. § 71-147(5) (2006 Cum. Supp.) provides that a professional license may be disciplined, revoked, or suspended for practice of the profession in a pattern of negligent conduct in performing the duties of the profession.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to NEB. REV. STAT. §71-155 (Reissue 2003), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA ex rel. JON BRUNING,
Attorney General, Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 

Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682

Attorneys for the Plaintiff.