

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

STATE OF NEBRASKA

MIKE JOHANNIS, GOVERNOR

DEPARTMENT OF SERVICES & DEPARTMENT OF REGULATION AND LICENSURE
DEPARTMENT OF FINANCE AND SUPPORT

May 20, 1999

James H. Sorrell, MD
Richard Young Hospital
4600 17th Avenue
Kearney, NE 68847

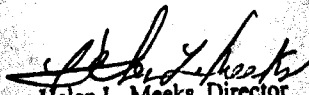
Dear Dr. Sorrell:

This letter is written to notify you that you have completed all terms and conditions of your "Probation" as specified in the AGREED SETTLEMENT which is incorporated into the ORDER ON AGREED SETTLEMENT dated January 16, 1998. Our records have been changed as of May 20, 1999 to reflect the probation completion as being April 16, 1999.

Please find enclosed a reissued Original License and a current License Card No. 18794 which do not have the term "Probation" imprinted on them. You may discard the licensing documents previously issued to you which had the term "Probation" imprinted on them.

Please contact Katherine Brown, Team Leader, at (402) 471-4911, if you have any questions.

Sincerely,


Helen L. Meeks, Director
Credentialing Division

HLM:sd

Enclosures: Reissued Original License
License Card No. 18794, Exp. Date 10/01/00

cc: Medical and Specialized Health

DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE
PO Box 95007, LINCOLN, NE 68509-5007 PHONE (402) 471-2133

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER
PRINTED WITH SOY INK ON RECYCLED PAPER

LO-CENTRAL

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JAN 16 1998

**Dept. Health & Human Services
Regulation & Licensure**

POLO2 - 71207

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**ORDER ON
AGREED SETTLEMENT**

JAMES H. SORRELL, M.D.

Defendant.

A PETITION FOR DISCIPLINARY ACTION was filed against the defendant on December 22, 1997. A proposed Agreed Settlement was filed with the Department on January 14, 1998.

ORDER

1. The Agreed Settlement including the sanction is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.

DATED this 16 of January, 1998.



Charles Andrews
Charles Andrews
Chief Medical Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 16 day of January, 1998, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent by certified United States mail, postage prepaid, return receipt requested, to Daniel E. Klaus, 1201 Lincoln Mall, Suite 102, Lincoln, NE 68508 and by interoffice mail to James D. Smith, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Joan B. Strizek
Joan B. Strizek

DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA

FILED

1-14-98
HEALTH &
HUMAN SERVICES

AGREED SETTLEMENT RECEIVED
Credentialing Division

JAN 16 1998

STATE OF NEBRASKA,

Plaintiff,

v.

JAMES H. SORRELL, M.D.,

Defendant.

Dept. Health & Human Services
Regulation & Licensure

The Plaintiff and the Defendant James H. Sorrell
consideration of the mutual covenants and agreements contained
herein, agree as follows:

1. The Defendant James H. Sorrell was issued license number 18794 by the Nebraska Department of Health, now the Department of Health and Human Services Regulation and Licensure ("Department"), to practice medicine and surgery in the State of Nebraska, which license is currently held by the Defendant.
2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant expressly waives the right to any such hearing. The Defendant also expressly waives any right to judicial review of the disciplinary order by the Department's Chief Medical Officer approving the terms of this Agreed Settlement.
3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.
4. The Defendant has been represented by Daniel Klaus of the law firm of Rembolt, Ludtke & Berger, and has received advice of counsel prior to entering into this Agreed Settlement.

5. The allegations of the Petition for Disciplinary Action are admitted by the Defendant.

6. The Plaintiff and the Defendant consent to the disposition of the above-captioned action by agreeing that the Chief Medical Officer shall order the suspension of the Defendant's license to practice medicine and surgery for a period of three (3) months. The license suspension shall commence on the date the Chief Medical Officer enters an order approving this Agreed Settlement. The Defendant shall not engage in any conduct which constitutes the practice of medicine and surgery during the period of suspension.

7. In addition to the suspension of the Defendant's license, the Chief Medical Officer shall order the Defendant's license to practice medicine and surgery placed on probation for a period of one (1) year, commencing immediately after expiration of the license suspension, on the following probationary conditions:

a. The Defendant shall deliver his original medical license to the Department. The Defendant shall be issued a medical license marked probationary in such manner as the Department shall determine.

b. The Defendant will complete, at his own expense, the Professional/Problem Based Ethics Program, which has been approved by the Nebraska Board of Examiners in Medicine and Surgery. The Defendant will submit satisfactory evidence of his completion of the Program to the Department.

c. The Defendant will maintain adequate records of medical treatment or services provided to patients in accordance with generally accepted standards of the medical profession and in accordance with the policies of any health care facility where the Defendant provides treatment to patients.

d. The Defendant will make medical records of his treatment of any patient promptly available on request to another physician or health care facility treating the patient.

e. The Defendant will comply with American Medical Association Ethical Opinions 7.01 through 7.05, which opinions concern Physician Records, for medical records of treatment provided by the Defendant to his patients.

f. The Defendant shall provide notice of this disciplinary action to all employers, to practice partners\associates, and to the licensing authorities in any other states where he has or obtains an active medical license. Notification shall include providing copies of the Petition for Disciplinary Action, this Agreed Settlement, and the Order by the Chief Medical Officer.

Written confirmation of notification shall be provided by the Defendant to the Department within thirty (30) days of the entry of the Order by the Chief Medical Officer approving this Agreed Settlement and within thirty (30) days of any changes in employment or any subsequent out of state licensure.

g. Any period the Defendant may hold an inactive Nebraska license shall not reduce the probationary period or satisfy the terms and conditions of probation.

h. The Defendant shall submit written notification to the Department within seven (7) days of any change in employment, employment status, residence, or telephone.

1. All reports, notices and other documentation requested by the Department shall be sent as is directed by the Department. If any particular form of report is provided by the Department, the Defendant shall make reports using such form of report.

j. The Defendant shall promptly respond to all requests and inquiries by the Department concerning the Defendant's compliance with the terms of probation.

k. The Defendant shall obey all state and federal laws and rules and regulations regarding the practice of medicine and surgery.

8. In the event the Defendant violates any of the above terms of probation, the Chief Medical Officer, after motion by the Attorney General and a hearing, may take further disciplinary action against the Defendant's license to practice medicine and surgery as he deems necessary, including revocation of the Defendant's license.

9. 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.

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

AGREED TO:

BY:

James H. Sorrell
James H. Sorrell, M.D.,
Defendant

State of Nebraska)

County of Lincoln)

ss.

Acknowledged before me by James H. Sorrell, M.D., on this
29th day of December, 1997.



Daniel E. Klaus
Notary Public

STATE OF NEBRASKA,
Plaintiff,

BY DON STENBERG, #14023
Attorney General

BY: James D. Smith
James D. Smith, #15476
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
Tel: (402) 471-2686

Attorneys for Plaintiff

Approved as to form:

BY: Daniel E. Klaus
Daniel E. Klaus, #17889
1201 Lincoln Mall, Suite 102
Lincoln, NE 68508

Attorney for Defendant

11-722.1-11

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA

FILED

THE STATE OF NEBRASKA,
Plaintiff,
v.
JAMES H. SORRELL, M.D.,
Defendant.

PETITION FOR DISCIPLINARY
ACTION
RECEIVED
Credentialing Division

12-22-97
HEALTH & HUMAN SERVICES
DEC 31 1997

Dept. Health & Human Services
Regulation & Licensure

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. § 71-150.
2. At all times relevant herein, the Defendant James H. Sorrell has been the holder of a license which was issued by the Nebraska Department of Health, now the Department of Health and Human Services Regulation and Licensure, authorizing him to practice medicine and surgery in Nebraska. The Defendant's license number is # 18794.
3. The Department of Health and Human Services Regulation and Licensure is the agency of the State of Nebraska authorized to enforce the provisions of the Nebraska Uniform Licensing Law regulating the practice of medicine and surgery.
4. The Nebraska Board of Examiners in 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).
5. The Defendant is Board certified by the American Board of Psychiatry & Neurology.

6. Since receiving his Nebraska medical license in 1992, the Defendant has practiced medicine specializing in psychiatry.

7. Among the Defendant's patients was a female patient hereafter referred to as Patient A.

8. Patient A was the Defendant's patient beginning in 1992 and continuing thereafter through approximately October, 1994. The Defendant also prescribed controlled substance medications for Patient A in June, 1996.

9. The Defendant's treatment of Patient A included psychotherapy, psychiatric assessments, and the prescribing of prescription medications.

10. Beginning in October, 1994, and continuing for a period of time thereafter, the Defendant engaged in a sexual relationship with Patient A.

11. The Defendant, as Patient A's psychiatrist, obtained confidential information concerning Patient A prior to entering into the sexual relationship.

12. The Defendant, as Patient A's psychiatrist, established a position of trust with Patient A prior to entering into the sexual relationship.

13. The Defendant's sexual relationship with Patient A constituted "unprofessional conduct" as defined by the following statutory provisions:

a. Neb. Rev. Stat. § 71-148 - "any departure from or failure to conform to . . . the ethics of the profession";

b. Neb. Rev. Stat. § 71-148 - "any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession"

c. Neb. Rev. Stat. § 71-148(17) - "commission of any act of sexual . . . misconduct . . . related to the practice of the profession".

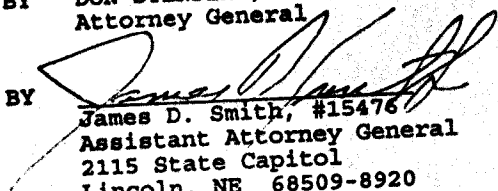
14. "Unprofessional conduct" is grounds for disciplinary action pursuant to Neb. Rev. Stat. § 71-147(10).

PRAYER

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 concerning the Defendant's license to practice medicine and surgery, and tax the costs of this action to the Defendant.

STATE OF NEBRASKA,
Plaintiff,

BY DON STENBERG, #14023
Attorney General

BY 
James D. Smith, #15476
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
Tel: (402) 471-2682

Attorneys for Plaintiff