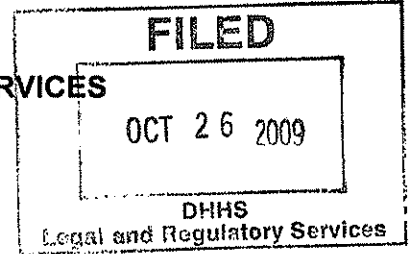


THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



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

AGREED SETTLEMENT

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

1. At all times relevant herein, the Defendant, George Paskewitz, M.D., has been the holder of license # 18851 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 him.
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 he 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 censures the Defendant's license.


8. 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.

9. 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. The entire cost of and all expenses related to such course shall be paid by Defendant. Defendant shall provide written verification of successful completion of the Professional Boundaries course to the Department.

10. 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. §§ 38-190 (Reissue 2008) and 71-161.03 (Reissue 2003).

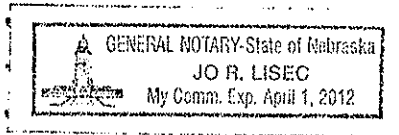
11. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:


George Paskewitz, M.D.
Defendant

State of Nebraska)
County of Saline) ss.

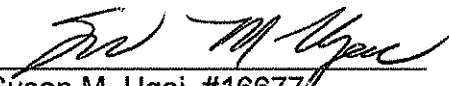
Acknowledged before me by George Paskewitz, M.D., on this 19 day of Oct, 2009.




Notary Public

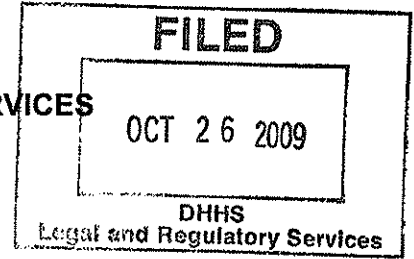
STATE OF NEBRASKA, ex rel. JON BRUNING, Attorney General, Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, 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.)
)
GEORGE PASKEWITZ, M.D.,)
)
Defendant.)

PETITION FOR
DISCIPLINARY ACTION

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-183, 38-184, 38-186 (Reissue 2008), and 71-150 (Reissue 2003).
2. At all times relevant herein, the Defendant, George Paskewitz, M.D., has been the holder of license #18851 which was issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") for his 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. §§ 38-1,105, 38-1,106 (Reissue 2008), 71-168.01(7) and 71-168.01(8) (Reissue 2003).

5. Defendant treated patient M.H. from 08/15/2006 to 01/31/2008. Defendant took M.H. out for meals, and M.H. performed handyman work for Defendant. Defendant also took M.H. on a trip to Las Vegas August 6 through August 9, 2007.

FIRST CAUSE OF ACTION

6. Paragraphs 1 through 5 are incorporated herein by reference.

7. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147(10) (2006 Cum. Supp.) provide that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

8. NEB. REV. STAT. §§ 38-178(15), 38-179(15) (Reissue 2008) and 71-148(22) (Reissue 2003) define 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.

9. 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.

10. 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.

11. 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.

12. Defendant's conduct with patient M.H. violated professional boundaries, is unprofessional conduct, and is grounds for discipline.

SECOND CAUSE OF ACTION

13. Paragraphs 1 through 12 are incorporated herein by reference.

14. NEB. REV. STAT. §§ 38-178(6) (Reissue 2008) and 71-147(5) (2006 Cum. Supp.) provide 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.

15. Defendant's conduct shows a pattern of negligent conduct and is grounds for discipline.


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. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003), and tax the costs of this action to the Defendant.

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

BY: JON BRUNING, #20351
Attorney General

BY: 

Susan M. Ugai, #16677
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2115 State Capitol
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Attorneys for the Plaintiff.