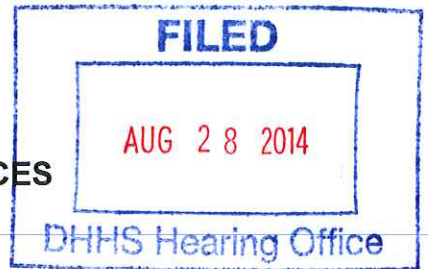


STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH



IN THE MATTER OF:

ROBIN R. CLEMMER, M.D.

)
)
)
)
)

**SURRENDER ORDER RE:
LICENSE TO PRACTICE AS A
PHYSICIAN**

This matter came before the Department's Chief Medical Officer on the matter of the Voluntary and Permanent Surrender of License to Practice as a Physician signed by Robin R. Clemmer, M.D., on August 18, 2014.

Neb. Rev. Stat. Section 38-1,109 provides that a credential may be voluntarily and permanently surrendered. The Chief Medical Officer finds that the Voluntary and Permanent Surrender is in proper form to permit its acceptance.

The Department hereby accepts the surrender of the license to practice as physician of Robin R. Clemmer, MD. Under the conditions of Dr. Clemmer's Voluntary and Permanent Surrender, the effective date of Dr. Clemmer's license surrender is on the date of this Order signed by the Chief Medical Officer, and her license to practice as a physician in Nebraska will not thereafter be reinstated by the Department.

Dated this 28 day of August, 2014.

Joseph M. Acjerno, MD, JD
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 28th day of August, 2014, a copy of the foregoing **SURRENDER ORDER** was sent by certified United States Mail, postage prepaid to Robin R. Clemmer, 3612 Ben Hogan Lane, Billings, MT 59106 and by email to Julie Agena, Assistant Attorney General, at ago.health@nebraska.gov.

Beth Davidson

DHHS Legal Services

P.O. Box 98914

Lincoln, Nebraska 68509-8914

P. (402) 471-7237 F. (402) 742-2376

**VOLUNTARY AND PERMANENT SURRENDER OF LICENSE TO
PRACTICE AS A PHYSICIAN**

Robin R. Clemmer, MD, is the holder of license (#17767) to practice as a physician, which license was issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department"). Dr. Clemmer acknowledges as follows:

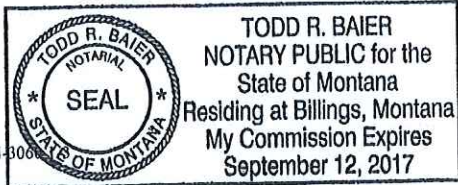
1. It is alleged that Dr. Clemmer, MD, violated Neb. Rev. Stat. § 38-178 (2012 Cum. Supp.).
2. Dr. Clemmer, MD, placed her Nebraska physician license on inactive status on January 23, 2014.
3. Dr. Clemmer, MD, is leaving the practice of medicine due to health reasons.
4. Dr. Clemmer, MD, desires to voluntarily and permanently surrender her license to practice as a physician in Nebraska.

THEREFORE, Dr. Robin R. Clemmer, MD, hereby voluntarily and permanently surrenders her license to practice as a physician in the State of Nebraska. This permanent and voluntary surrender shall become effective upon the entry of an order by the Director/Chief Medical Officer accepting this Voluntary and Permanent Surrender. This Voluntary and Permanent Surrender of License is submitted pursuant to Neb. Rev. Stat. Section 38-1,109.

BY: Robin R. Clemmer
Robin R. Clemmer, MD

STATE OF Montana)
COUNTY OF Yellowstone) ss.

The execution of the above Voluntary and Permanent Surrender of License to practice as a Physician was acknowledged before me by Robin R. Clemmer, MD, on this 18th day of August, 2014.



Todd R. Baier
Notary Public



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

STATE OF NEBRASKA ex rel.,)	
JON BRUNING, Attorney General,)	141812
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
ROBIN CLEMMER, M.D.)	
)	
Defendant.)	

The Motion to Dismiss filed by Attorney for the Plaintiff on August 21, 2014, came on for consideration. The Hearing Officer, being fully advised, finds that the Motion should be granted.

This case is hereby DISMISSED.

Dated this 22nd day of August 2014.

A handwritten signature in blue ink that reads "Susan Strohn".

Susan Strohn
Hearing Officer

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was sent by United States Mail, postage prepaid, and/or electronically to the following:

ROBIN CLEMMER
3612 BEN HOGAN LANE
BILLINGS, MT 59106

JULIE L. AGENA
ASSISTANT ATTORNEY GENERAL
ago.health@nebraska.gov

on August 22, 2014.



DHHS Hearing Office
PO Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 471-7276
dhhs.publichealthhearings@nebraska.gov



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

STATE OF NEBRASKA, ex rel. JON BRUNING, Attorney General, Plaintiff, vs. ROBIN R. CLEMMER, M.D., Defendant.

141811

MOTION TO DISMISS

COMES NOW the Plaintiff, by and through Julie L. Agena, Assistant Attorney General, and moves to dismiss the Petition for Disciplinary Action filed on August 5, 2014, without prejudice.

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

BY: JON BRUNING, #20351 Attorney General

Handwritten signature of Julie L. Agena

BY: Julie L. Agena, #23137 Assistant Attorney General 2115 State Capitol Lincoln, NE 68509 (402) 471-1815

Attorneys for the Plaintiff.

CERTIFICATE OF SERVICE

Now on this 21st day of August 2014, a true and correct copy of the above Motion to Dismiss was sent by first class U.S. mail to **Robin R. Clemmer, 3612 Ben Hogan Lane, Billings, MT 59106.**



Julie L. Agena, #23137



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

STATE OF NEBRASKA ex rel.)
JON BRUNING, Attorney General,)
)
 Plaintiff,)
)
 v.)
)
ROBIN R. CLEMMER, M.D.,)
)
 Defendant.)

**PETITION FOR
DISCIPLINARY ACTION**

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTIONS:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 (Reissue 2008) and 38-186 (2012 Cum. Supp.).
2. At all times relevant herein, the Defendant, Robin R. Clemmer, has been the holder of a physician license (#17767) issued by the Nebraska Department of Health and Human Services Division of Public Health (“Department”).
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2008).

5. On December 14, 2009, the Defendant entered into an Assurance of Compliance with alleged that she had allowed an APRN in her office to dispense Latisse. The Defendant agreed to provide appropriate direction and supervision of a licensed, certified or registered health care provider by only allowing APRN's to dispense sample medications.
6. In April 2013, the Defendant sold her medical spa business, S.M.A. The Defendant agreed to remain as Medical Director for the business for a period up to one hundred fifty (150) calendar days following closing unless the Buyer sooner terminated the relationship.
7. In late 2013, a Department Investigator went to S.M.A. and interviewed employees. The following was reported:
 - a. The Defendant left behind blank, signed prescription forms which employees completed and faxed to pharmacies;
 - b. Patients were not evaluated by the Defendant;
 - c. Employees reported that they were unable to reach the Defendant at any point in time since the business had sold, despite calling the phone number provided several times;
 - d. Employees reported that the Defendant had not been to S.M.A. since it sold and had not seen any patients;
 - e. S.M.A. had no other physicians or physician assistants employed;
 - f. Clients were receiving injections without any evaluation by a physician or medical provider;
 - g. Latisse was being sold to clients from May 1, 2013, until December 2013.

8. The Department Investigator made several attempts to contact the Defendant. Emails were sent to the email address on her medical license, telephone calls were made to the last number listed on her medical license, which was for a medical office from which she retired two years prior, and to the phone number provided by S.M.A. All attempts were unsuccessful.
9. In December 2013, letters were mailed from the Department Investigator to the Defendant at her last known Nebraska address and her mother's address in California, asking the Defendant to respond regarding the investigation.
10. On January 6, 2014, the Defendant left a phone message for the Department Investigator and stated she would call back. The Defendant did not leave a current phone number or verify her mailing address.
11. On January 9, 2014, the Defendant again left another phone message for the Department Investigator, stating she would call back. Again, the Defendant did not leave a current phone number or verify her mailing address.
12. Since January 9, 2014, the Defendant has failed to call the Department Investigator or respond to requests regarding the investigation.

FIRST CAUSE OF ACTION

13. Paragraphs 1 through 12 are incorporated herein by reference.
14. Neb. Rev. Stat. § 38-178(5) (2012 Cum. Supp.) provides that a professional license may be disciplined for unprofessional conduct.
15. Neb. Rev. Stat. § 38-179 (Reissue 2008) defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless

of whether a person, consumer, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including, but not limited to: . . . (15) such other acts as may be defined in rules and regulations.

16. 172 NAC 88-013(5) Regulations Governing the Practice of Medicine and Surgery and Osteopathic Medicine and Surgery defines unprofessional conduct as the refusal to cooperate or the failure to furnish requested information during a licensing or discipline investigation by the Department.
17. The Defendant's failure to comply with multiple requests from the Department Investigator and failure to furnish information during the investigation is unprofessional conduct and grounds for discipline.

SECOND CAUSE OF ACTION

18. Paragraphs 1 through 12 are incorporated herein by reference.
19. Neb. Rev. Stat. § 38-178(21) (2012 Cum. Supp.) provides that a professional license may be disciplined for a violation of an assurance of compliance.
20. The Defendant's convictions are grounds for discipline.

THIRD CAUSE OF ACTION

21. Paragraphs 1 through 12 are incorporated herein by reference.
22. Neb. Rev. Stat. § 38-178(23) (2012 Cum. Supp.) provides that a professional license may be disciplined for unprofessional conduct.
23. Neb. Rev. Stat. § 38-179(15) defines unprofessional conduct as such other acts as may be defined in rules and regulations.

24. 172 NAC 88-010.02 of the Regulations Governing Medicine and Surgery and Osteopathic Medicine and Surgery defines unprofessional conduct as:
- a. (31) Signing a blank, undated or predated prescription form;
 - b. (2) Providing treatment or consultation recommendations, including issuing a prescription, via electronic or other means, unless the physician has obtained a history and physical evaluation of the patient adequate to establish diagnosis and identify underlying conditions and/or contraindications to the treatment recommended/provided and that arrangements exist to insure availability of the physician or physician coverage for follow-up patient care;
 - c. (34) Lack of or inappropriate direction, collaboration or direct supervision of a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician.
25. The Defendant's conduct above is unprofessional conduct and 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. § 38-196 (Reissue 2008), 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: _____
Julie L. Agena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-1815

Attorneys for the Plaintiff.

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

IN THE MATTER OF)	
)	
THE LICENSE OF)	ASSURANCE OF COMPLIANCE
)	
ROBIN CLEMMER, M.D.)	

Robin Clemmer, M.D. ("Dr. Clemmer") and the Attorney General's Office for the State of Nebraska enter into this Assurance of Compliance by agreeing as follows:

1. Dr. Clemmer is the holder of a license to practice medicine (#17767) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").

2. It is alleged that Dr. Clemmer allowed an A.P.R.N. in her office to dispense Latisse in violation of NEB. REV. STAT. § 38-2315(2)(b) (Reissue 2008).

3. Dr. Clemmer agrees to allow A.P.R.N.s in her office to dispense only sample medications as authorized by NEB. REV. STAT. § 38-2315(2)(b) (Reissue 2008).

4. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) provides that a professional license may be disciplined for unprofessional conduct.

5. NEB. REV. STAT. §§ 38-179(15) (Reissue 2008) defines unprofessional conduct as such other acts as may be defined in rules and regulations.

6. Title 172 Chapter 88-013.24 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as lack of or inappropriate direction, collaboration or direct supervision of a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician.

7. Under the provisions of NEB. REV. STAT. § 38-178(21) (Reissue 2008), any violation of this Assurance of Compliance is grounds for discipline.

8. This Assurance of Compliance is not a disciplinary action against Dr. Clemmer's license to practice medicine.

9. This Assurance of Compliance is entered into pursuant to NEB. REV. STAT. § 38-1,108 (Reissue 2008) and shall become effective ten (10) days from the date it is signed by the Attorney General's Office.

Dated this 4th day of December, 2009.

Robin Clemmer MD
Robin Clemmer, M.D.

State of Nebraska)
County of Douglas)

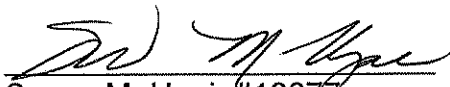
The above Assurance of Compliance was acknowledged before me by Robin Clemmer, M. D. on this 4th day of December, 2009.

Suzanne Pritchett
Notary Public
My Commission Expires:

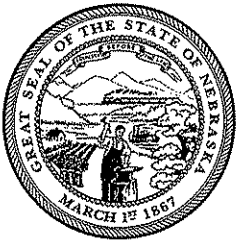


Dated this 7th day of December, 2009.

BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #1667
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
(402) 471-9658

34-1571-3



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
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(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
TIERONE FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

SUSAN M. UGAI
ASSISTANT ATTORNEY GENERAL

December 7, 2009

Robin Clemmer, M.D.
4239 Farnam Street, Suite 734
Omaha, NE 68131-2803

RE: Assurance of Compliance

Dear Dr. Clemmer:

Enclosed is a signed copy of the Assurance of Compliance for your records. You are encouraged to maintain conformity with the Assurance of Compliance as a violation can be the basis to take action which would adversely affect your ability to practice medicine and surgery in the State of Nebraska.

Sincerely,

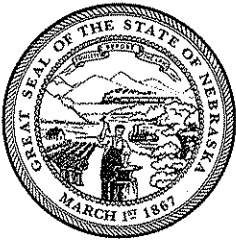
JON BRUNING
Attorney General


Susan M. Ugai
Assistant Attorney General

Enclosure

pc: Helen Meeks
Ruth Schuldt

34-1629-3



STATE OF NEBRASKA
Office of the Attorney General

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(402) 471-2682
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CAPITOL FAX (402) 471-3297
TIERONE FAX (402) 471-4725

LICENSURE UNIT

DEC 08 2009

RECEIVED

SUSAN M. UGAI
ASSISTANT ATTORNEY GENERAL

JON BRUNING
ATTORNEY GENERAL

December 7, 2009

VIA INTERAGENCY MAIL

Helen L. Meeks, Licensure Unit Administrator
NDHHS Division of Public Health
301 Centennial Mall North, 3rd Floor
Lincoln, NE 68509

**RE: Robin Clemmer M.D.
Assurance of Compliance**

Dear Ms. Meeks:

Enclosed are the following:

1. Original Assurance of Compliance;
2. Copy of transmittal letter dated December 7, 2009.

The enclosed may be filed with Dr. Clemmer's medicine and surgery license public record.

Sincerely,

JON BRUNING
Attorney General

Susan M. Ugai
Assistant Attorney General

Enclosure

cc: Ruth Schuldt

34-1628-3