

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

MAR 11 2021

STATE OF NEBRASKA ex rel. DOUGLAS)
J. PETERSON, Attorney General,)
)
Plaintiff,)
)
vs.)
)
GLENN, MATTHEW,)
)
Defendant.)

DHHS Hearing Office

210161 MD

ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on March 5, 2021.

ORDER

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

Date: 3-11-21



Gary J. Anthon, MD
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

Civil penalty, if imposed, should be mailed to: DHHS, Division of Public Health, Licensure Unit, ATTN: Diane Pearson, P.O. Box 94986, Lincoln, NE 68509.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was sent on the date below by certified United States Mail, postage prepaid, return receipt requested, and/or electronically to the following:

ERIN DUGGAN PEMBERTON ATTORNEY AT LAW 1248 O STREET STE 800 LINCOLN NE 68508
MINDY LESTER ASSISTANT ATTORNEY GENERAL AGO.HEALTH@NEBRASKA.GOV

Date: March 11, 2021



DHHS Hearing Office
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376
dhhs.hearingoffice@nebraska.gov

7019 2970 0001 3496 0783

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

STATE OF NEBRASKA <i>ex rel.</i>)	
DOUGLAS J. PETERSON,)	
Attorney General,)	
)	
Plaintiff,)	
)	AGREED SETTLEMENT
v.)	
)	
MATTHEW M. GLENN, MD,)	
)	
Defendant.)	

The Plaintiff and Defendant, Matthew M. Glenn, MD, in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Matthew M. Glenn, MD, was issued a license (#20176) to practice as a physician by the Nebraska Department of Health and Human Services Division of Public Health ("Department").

2. The Defendant acknowledges receipt of a copy of the Petition for Disciplinary Action and waives the need for further services 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 him to enter into this Agreed Settlement.

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

6. The Plaintiff and Defendant consent to the Chief Medical Officer entering a final disciplinary order which finds the allegations of the Petition for Disciplinary Action are true and which places the Defendant's license on probation for one (1) year, commencing ten (10) days from the entry of the order, with the following probationary conditions:

- a. The Defendant shall successfully complete sixteen (16) hours of coursework on the diagnosis and treatment of psychiatric and substance use disorders approved in advance by the Board of Medicine and Surgery within sixty (60) days of the entry of the order. The Defendant shall provide proof to the Department, as directed, that he has successfully completed the coursework.
- a. The Defendant's practice as a physician in Nebraska shall be supervised by a licensed physician, who is both currently licensed in good standing and is actively practicing as a physician in the State of Nebraska. Such person ("practice monitor") may be chosen by the Defendant, but the practice monitor must be approved by the Board of Medicine and Surgery. Prior to the Board's approval, the practice monitor shall submit a report to the Board of Medicine and Surgery acknowledging that he or she has read the Petition for Disciplinary Action, Agreed Settlement and Order, and that the practice monitor understands and agrees to perform the monitoring obligations as set forth herein. The Defendant shall submit the practice monitor to the Board within thirty (30) days of the date of the order approving the Agreed Settlement.
 - i. The practice monitor shall not be required to be present at all times while Defendant is engaged in medical practice. The practice monitor shall agree to provide the Department and the Board with quarterly reports regarding the Defendant's conduct in regards to patients.
 - ii. The practice monitor shall complete a monthly on-site review of half (50%) of the Defendant's patient and treatment records for individuals who are being treated with any combination of opioids, benzodiazepines, and stimulants, seen during the month prior. The Defendant shall follow the instructions and directives of the

Department regarding such review. Reviews shall include, but not be limited to: complete medical record, testing and/or evaluations, drug screen analysis, and diagnosis. The patient records shall be chosen randomly by the Practice Monitor. In addition, the practice monitor shall submit quarterly reports regarding the Defendant's prescribing and treatment practices, and any recommendations to the Department.

- iii. The practice monitor shall agree to provide the Department and the Board with quarterly reports regarding the Defendant's work performance, work habits and progress throughout the monitoring period.
 - iv. The practice monitor shall also immediately report to the Department, in writing, any action on the part of the Defendant that he or she feels violates any law or regulation with respect to medicine and surgery, any provision of this Agreed Settlement, or any action or conduct that the practice monitor feels is not in accordance with the generally accepted standard of medicine and surgery in Nebraska. The practice monitor shall immediately report to the practice monitor, in writing, if there is evidence of improper prescribing of opiates/narcotics, benzodiazepines, and/or stimulants.
 - v. The Defendant agrees to cooperate fully with any reasonable request by the practice monitor necessary to implement the supervision contemplated by this Agreed Settlement, including any request to examine records and documents relating to the Defendant's medical practice in this state.
- b. If the Defendant is not self-employed, the Defendant shall be employed as a physician only by an employer who provides employer quarterly reports to the Department. Employer quarterly reports shall be submitted to the Department by the Defendant's supervisor. Reports shall include a description of the Defendant's work habits and attendance. Reports shall be due no later than the tenth day of the month following the end of each quarter. An initial employer report shall be submitted as directed by the Department. A final employer report shall be due not less than thirty (30) days before the expiration of the probationary period.
 - c. The Defendant shall provide notification of his disciplinary action and copies of all disciplinary proceedings to all current and potential employers for whom he works, for all facilities at which he holds a privilege to practice, any formal educational program in which he is enrolled or may enroll and to the licensing authority in any state where he has or obtains an active physician license within five (5) days of receipt of the Order on Agreed Settlement by the Chief Medical Officer and within five (5) days of any

changes in employment or any subsequent out-of-state licensure. Such notification shall include copies of the Petition for Disciplinary Action, this Agreed Settlement, and the Order on Agreed Settlement entered by the Chief Medical Officer. Written confirmation of this notification shall be provided by the Defendant to the Department within thirty (30) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer or change in employment or any subsequent out-of-state licensure.

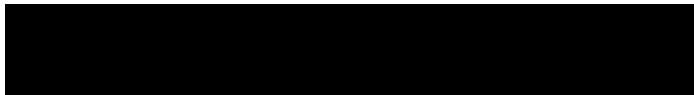
- d. The Defendant shall submit written notification to the Department within seven (7) days of any change in employment, employment status, residence, or telephone number.
- e. All reports, notices, and other documentation requested by the Department shall be provided using report forms provided by the Department.
- f. The Defendant shall promptly respond to all requests and inquiries by the Department concerning the Defendant's compliance with the terms of probation.
- g. The Defendant shall obey all state and federal laws and the rules and regulations regarding the practice of medicine and surgery.
- h. The Defendant shall pay any costs associated with assuring compliance with this Agreed Settlement.
- i. The Defendant shall appear at any meetings of the Board of Medicine and Surgery when requested.
- j. Any period the Defendant holds an inactive Nebraska license or is not engaged in active practice shall not reduce the probationary period or satisfy the terms and conditions of probation. Practice in another state or jurisdiction that adopts the Nebraska probationary terms and conditions of licensure will serve to reduce the Nebraska probationary period.

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


8. The Attorney General 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 2016).

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.

AGREED TO:

BY: 
Matthew M. Glenn, MD
Defendant

State of Nebraska)
County of Lancaster) ss.

Acknowledged before me by Matthew M. Glenn, MD, on this 1 day of March, 2020. 

Notary Public
My Commission Expires: 12/20/20

GENERAL NOTARY - State of Nebraska
JEFFERY J JOHNSON
My Comm. Exp. October 22, 2023

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THE STATE OF NEBRASKA, ex rel.
DOUGLAS J. PETERSON,
Attorney General,
Plaintiff,

BY: DOUGLAS J. PETERSON,
#18146
Attorney General

BY: 
Mindy L. Lester, #24421
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-1815

Attorneys for the Plaintiff.

44-824a-6

FEB 10 2021

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES **DHHS Hearing Office**
DIVISION OF PUBLIC HEALTH

STATE OF NEBRASKA ex rel.)
DOUGLAS J. PETERSON,)
Attorney General,)
)
Plaintiff,)
)
v.)
)
MATTHEW M. GLENN, MD,)
)
Defendant.)

PETITION FOR
DISCIPLINARY ACTION

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 and 38-186 (Reissue 2016).
2. At all times relevant herein, the Defendant, Matthew M. Glenn, MD, has been the holder of a physician license (#20176) 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 2016).
5. In October 2006, the Defendant entered into an Assurance of Compliance wherein he agreed not to develop into an intimate relationship with patients and to

complete a boundaries course within six months from October 31, 2006. There were no findings of fact as a result of the Assurance of Compliance.

6. In August 2007, the Defendant entered into a second Assurance of Compliance wherein it was alleged the Defendant prescribed domperidone for a patient without the required Investigational New Drug documentation. The Defendant agreed to obtain an IND Number prior to prescribing domperidone again.

7. On April 28, 2010, a Petition for Disciplinary Action was filed against the Defendant which alleged the Defendant failed to provide proof of successful completion of the boundaries course set forth in the 2006 Assurance of Compliance.

8. On August 26, 2010, the Chief Medical Officer entered an Order on Agreed Settlement which adopted the Agreed Settlement of the parties and the facts as set out in the Petition as true. The Order imposed a civil penalty of Ten Thousand Dollars (\$10,000), and ordered the Defendant to complete the ProBE ethics course at his own expense no later than October 1, 2010.

9. On December 21, 2010, a second Petition for Disciplinary Action was filed against the Defendant which alleged the Defendant engaged in an intimate relationship with a Patient. On July 23, 2012, an Amended Petition was filed which further alleged the Defendant failed to report the automatic relinquishment of his appointment and clinical privileges at Facility A for failure to provide information regarding actions taken by the State of Nebraska resulting in conditions placed on his license.

10. On July 31, 2012, the Chief Medical Officer entered an Order on Agreed Settlement which adopted the facts set out in the Amended Petition as true and adopted

the agreed settlement of the parties. The Order censures the Defendant's physician license and placed conditions on his license for a period of eighteen months.

11. The Defendant provided care to Patient A from April 2013 through September 5, 2017. On April 9, 2013, the Defendant assessed the Patient and charted "Dependence, Opioid, unspecified" and began Patient A on suboxone. The Defendant's medical record for Patient A provides the following, in part:

- a. On June 5, 2013, the Defendant saw Patient A and added the diagnosis of Anxiety Disorder, Generalized. The Defendant continued Patient A's treatment with Suboxone (generic name buprenorphine), a Schedule III Controlled Substance, and added Klonopin 0.5 mg (generic name Clonazepam), a Schedule IV Controlled Substance, twice daily;
- b. On July 22, 2013, Patient A submitted a body fluid sample to the Defendant which was positive for "Oxy" (Oxycodone, a Schedule II Controlled Substance). The Patient advised Defendant he consumed "Percocet for 2 days".
- c. Patient A entered a Suboxone Patient and Provider Agreement on July 22, 2013 and on August 10, 2015. Patient A signed a second Suboxone Patient & Provider Agreement and a Controlled Substance Medication Management Agreement on January 6, 2014, August 10, 2015 and November 25, 2015;
- d. On December 5, 2013, Patient A's medical record indicates a new prescription for Lexapro, 10 mg, #30. There is no documentation regarding the new prescription;
- e. On January 6, 2014, Patient A advised the Defendant he consumed alcohol and Adderall the prior weekend while out with a friend in violation of the agreements set forth above;
- f. On June 17, 2014, the Defendant charted in Patient A's record he began taking Adderall, 20 mg's (amphetamine), a Schedule II Controlled Substance, on May 20, 2014. There is no documentation in the record for May 20, 2014, regarding this prescription;
- g. On July 31, 2014, the Defendant changed Patient A's medication from suboxone to Zubsolv 5.7-1.4 mg, 2/12 Tab daily;
- h. On October 6, 2014, Patient A reported he stopped taking Lexapro without consulting with the Defendant in violation of the agreements set forth above;

- i. On September 3, 2015, the Defendant noted Patient A was "consistently scheduling his appointment approximately 1 week early due to running out of his medications early" and "patient has not filled any of them at Hy-Vee where he is to be filling per medication agreement with our office.";
- j. The Defendant's medical record for Patient A repeatedly documents "Patient has a history of inconsistent drug screens (+METH) and taking more Klonopin and Adderall;
- k. On April 10, 2017, the Defendant's office was notified by telephone Patient A was "hallucinating";
- l. On August 23, 2017, Patient A presented to the emergency department and reported hearing voices.
- m. On August 28, 2017, Patient A's close family member notified the Defendant Patient A "is hallucinating, talking to people that aren't there, thinks his parents are going to get killed, not sleeping. They took him to the ER and the ER basically said they can't do anything and that they need him to get off his medications prescribed by [Defendant]";
- n. On August 29, 2017, the Defendant saw Patient A and documented symptoms of auditory hallucinations, inability to sleep, and no recollection of the events of the prior evening. The Defendant noted in Patient A's record "concentration impaired and short term memory impaired". The Defendant further charted Patient A's urine drug screen was inconsistent with his prescribed medication;
- o. On August 30, 2017, Patient A was admitted to L.C.C.C., Lincoln, Nebraska, under emergency protective custody after exhibiting signs of delusions and paranoia. At the time of admission Patient A reported his drugs of choice as opiates, Adderall, and Klonopin. Patient A's admission note diagnoses him with Substance Induced Psychotic Disorder, Stimulant Intoxication, Opiate Use Disorder, Severe, Stimulant Use Disorder, Severe, and Benzodiazepine Use Disorder, Moderate. Patient A underwent an alcohol and drug evaluation on September 4, 2017; Patient A was diagnosed with Amphetamine Use Disorder, Severe, Opiate Use Disorder, Severe, and Sedative, Hypnotic, Anxiolytic Use Disorder, Mild.

12. In June, 2020, Department expert J.F., M.D., a physician board certified in the fields of psychiatry and addiction medicine, reviewed the medical record for Patient A and determined:

- a. On January 6, 2014, Patient A identifies using alcohol and taking Adderall. Patient A states he was ninety days sober and expressed "slipping up" after visiting with a friend. The Defendant increased Patient A's Lexapro. The Defendant provided no counseling at this time regarding change in his treatment or available treatment options;
- b. On April 22, 2014, Patient A tested positive for Adderall. Patient A was not prescribed Adderall at this time;
- c. On May 12, 2014, Patient A was started on Adderall for attention and concentration difficulties;
- d. On September 8, 2014, Patient A submitted a body fluid sample that was positive for Xanax. Patient A was not prescribed Xanax. Patient A reported a failure to take the Adderall as prescribed; no counseling was provided to Patient A regarding taking medication as prescribed;
- e. On February 23, 2015, Patient A again tested positive for Xanax. Patient A was not counseled regarding this violation;
- f. On August 10, 2015, Patient A identified taking medications as prescribed, but ran out of Buprenorphine early without explanation. Patient A further reported a 'suspicious car' driving by his house. Patient A was given a prescription for subutex due to running out of buprenorphine early. Patient A was not given any counseling or referral for additional treatment;
- g. On September 3, 2015, Patient A reported misplacing some of his Adderall prescription and asserted he was shorted buprenorphine by the pharmacy. Patient A's medical record identifies the Defendant's staff contacted the pharmacy and verified Patient A received the quantity prescribed. The Defendant failed to provide counseling or additional referrals for treatment;
- h. On September 19, 2015, Patient A tested positive for Xanax and Temazepam, which were not prescribed to him;
- i. On May 5, 2016, Patient A admitted to over taking Adderall and Klonopin due to stress. Patient A's urine drug screen yielded positive results for Xanax and Temazepam again. The Defendant did not make any changes to his medications, counsel Patient A, or make any referrals for additional care;
- j. On October 18, 2016, Patient A reported his medication was taken by the police after being held overnight in jail. Patient A was not given any counseling or intervention;
- k. On April 11, 2017, Patient A's mother reported Patient A had hallucinations. Patient A's subsequent drug screen on April 25, 2017, was negative for Adderall;
- l. On July 17, 2017, the Defendant's medical record for Patient A indicates Patient A tested positive for Xanax and Methyl;

- m. On August 23, 2017, Patient A presented to the emergency room with psychotic symptoms and was subsequently admitted to L.C.C.C. The L.C.C.C. physician stopped Patient A's Adderall and Klonopin. The patient restarted the medications on his own. On September 29, 2017, the Defendant saw Patient A, referred Patient A for substance treatment and discontinued Adderall;
- n. On August 28, 2017, Patient A's mother contact the Defendant's office and advised Patient A was hallucinating;
- o. On August 30, 2017, Patient A was admitted to L.C.C.C. and was diagnosed with Substance Induced Psychotic Disorder, Stimulant Intoxication, Opiate Use Disorder, Stimulant Use Disorder, and Benzodiazepine Use Disorder;
- p. The Defendant failed to adequately document a discussion about the potential for dependence or the potential to develop a substance use disorder with Patient A prior to prescribing Klonopin. This fails to meet the standard of care;
- q. The Defendant failed to consider and discuss alternative treatments with Patient A prior to prescribing Klonopin. This fails to meet the standard of care;
- r. The Defendant diagnosed or accepted a diagnosis of Generalized Anxiety Disorder for Patient A without considering other possible causes for Patient A's reported symptoms. This fails to meet the standard of care;
- s. The Defendant failed to consult with an addiction medication specialist and/or psychiatrist early in Patient A's treatment. This fails to meet the standard of care;
- t. Patient A was prescribed Adderall for Attention Deficit Disorder – like symptoms after testing positive for amphetamines during treatment with the Defendant. The Defendant did not adequately diagnosis Attention Deficit Disorder in Patient A nor verify it as a prior diagnosis by another physician. This treatment failed to meet the standard of care;
- u. The Defendant failed to identify Patient A's paranoia, psychosis, and persistent anxiety could have resulted from overuse of Adderall. This fails to meet the standard of care; and
- v. The Defendant failed to consult with an addiction medicine and/or psychiatric specialist during the care of Patient A. This fails to meet the standard of care.

FIRST CAUSE OF ACTION

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

14. Neb. Rev. Stat. § 38-178(6)(d) (Reissue 2016) provides that a professional license may be disciplined for practice of the profession in a pattern of incompetent or negligent conduct.

15. The Defendant's treatment of Patients A constitutes the practice of the profession in a pattern of negligent or incompetent conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

16. Paragraphs 1 through 15 are incorporated herein by this reference.

17. Neb. Rev. Stat. § 38-178(23) (Reissue 2016) provides that a professional license may be disciplined for unprofessional conduct as defined in section 38-179.

18. Neb. Rev. Stat. § 38-179 (Reissue 2016) 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.

19. 172 NAC 88-010.02 (2013) of the Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as "any departure from or failure to conform to the standards of acceptable and prevailing practice of medicine and surgery or the ethics of the profession, regardless of whether a person, patient, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to: ... (32) 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, not to include a single act of ordinary negligence”.

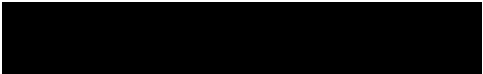
20. The Defendant's treatment of Patients A as set forth above constitutes conduct or practice outside the acceptable and prevailing standards of care and is grounds for discipline

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action concerning the Defendant's license to practice as a physician in the State of Nebraska pursuant to Neb. Rev. Stat. § 38-196 (Reissue 2016), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA ex rel.
DOUGLAS J. PETERSON, Attorney
General,
Plaintiff,

BY: DOUGLAS J. PETERSON,
#18146
Attorney General

BY: 
Mindy L. Lester, #24421
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-1815

Attorneys for the Plaintiff.

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

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

10-4018


ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on July 23, 2012.

ORDER

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

DATED this 31 day of July, 2012.



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 7th day of August, 2012 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **Patricia Zieg, attorney for Matthew M. Glenn, M.D., at Stinson, Morrison, Hecker, 1299 Farnam Street, Suite 1500, Omaha, NE 68102-1818** and by interoffice mail to **Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.**



DHHS Legal Services
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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,)
)
vs.)
)
MATTHEW M. GLENN, M.D.,)
)
Defendant.)

AGREED SETTLEMENT

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

1. At all times relevant herein, the Defendant Matthew M. Glenn, M.D., has been the holder of medical license # 20176 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 Amended Petition for Disciplinary Action and waives the need for further service of the Amended Petition for Disciplinary Action 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 him to enter into this Agreed Settlement.

5. The Defendant acknowledges that he has read the Amended Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant neither admits nor denies the allegations of the Amended 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 Amended Petition for Disciplinary Action are true and impose the sanction of a censure.

7. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a disciplinary order which places the following conditions on the Defendant's license for a period of eighteen (18) months.

a. The Defendant shall provide notification of his disciplinary action and any violations and subsequent disciplinary action to all educational institutions, employers, practice partners, hospitals with whom he has staff privileges and to the licensing authority in any state where he has or obtains an active medical license within seven (7) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within seven (7) days of any change in employment or any subsequent out-of-state licensure. Such notification shall include providing copies of the Amended Petition for Disciplinary Action, this Agreed Settlement, and the Order on Agreed Settlement entered by the Chief Medical Officer. Written confirmation of this notification shall be provided by the Defendant to the Department within thirty (30) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer or change in employment or any subsequent out-of-state licensure.

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

c. All reports, notices, and other documentation requested by the Department shall be provided using report forms provided by the Department.

d. The Defendant shall promptly respond to all requests and inquiries by the Department concerning the Defendant's compliance with the

terms of this Agreed Settlement. Such inquiries shall also be copied to Acumen Assessments, L.L.C.

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

f. The Defendant shall pay any costs associated with insuring compliance with this Agreed Settlement.

g. The Defendant shall appear at any meetings of the Board of Medicine and Surgery when requested.

h. Any period the Defendant may hold an inactive Nebraska license or any period that he is not working as a physician for a minimum of one hundred and thirty (130) hours per quarter shall not reduce the period of this Agreed Settlement or satisfy the terms and conditions of this Agreed Settlement.

i. The Defendant shall continue his treatment program through Acumen Assessments, L.L.C. and follow all treatment recommendations of Acumen Assessments, L.L.C. The Defendant shall provide permission to and require Acumen Assessments, L.L.C. to provide the Department with quarterly reports.

j. The Defendant shall continue treatment as long as the treatment provider indicates treatment is necessary.

k. The conditions of this Agreed Settlement, with the exception of condition 7.j., will be terminated at the end of eighteen (18) months, even if Defendant is continuing with treatment, so long as there have been no violations of this Agreed Settlement during such period.

8. In the event the Defendant violates any of the above conditions of this Agreed Settlement, 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 as a physician, including revocation of his license.

9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and has received their input in accordance with NEB. REV. STAT. § 38-190 (Reissue 2008).

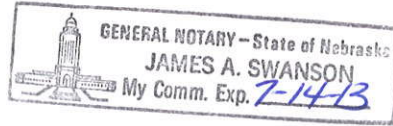
10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

Matthew M. Glenn M.D.
Matthew M. Glenn, M.D.
Defendant

STATE OF NEBRASKA)
COUNTY OF Lancaster) ss.

ACKNOWLEDGED BEFORE ME by Matthew M. Glenn, M.D., on this 12 day of July, 2012.



James A. Swanson
Notary Public
My Commission Expires: 7-14-13

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.)
)
MATTHEW M. GLENN, M.D.,)
)
Defendant.)

AMENDED PETITION
FOR DISCIPLINARY ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-176, 38-186, 38-196 (Reissue 2008), 71-150, and 71-1,132.29 (Reissue 2003).
2. At all times relevant herein, the Defendant Matthew M. Glenn, M.D., has been the holder of medical license #20176 issued by the Nebraska Department of Health and Human Services division of Public Health ("Department") to practice medicine.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law and 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 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. On October 23, 2006, Defendant entered into an Assurance of Compliance with the Nebraska Attorney General's Office. This Assurance of Compliance became effective on October 31, 2006.

6. Defendant agreed "to not develop intimate relationships with his patients".

7. Defendant saw Patient A in his office on March 25, 2010, at 11:45 a.m. for a sinus problem. Patient A mentioned to Defendant that she and her husband were having some marital discord.

8. Telephone records show Defendant called Patient A on March 25, 2010, at 12:17 p.m., 1:02 pm, 1:48 pm, and 4:00 pm.

9. Defendant and Patient A met for coffee at a local coffee shop on April 2, 2010, to discuss Patient A's marital issues.

10. Defendant and Patient A exchanged text messages and met two (2) weeks later at a local restaurant. Defendant gave Patient A a hug and kissed her when he walked her to her car.

11. Defendant and Patient A continued to exchange text messages. Defendant and Patient A met a third time outside Defendant's office. There were a total of three (3) personal meetings within a four to six week period.

12. Defendant admitted he told Patient A it would be fun if she went to Miami with him.

13. Defendant admitted he told Patient A they should have dinner together in Las Vegas.

14. Defendant admitted that some of the text messages he exchanged with Patient A had some sexual connotation.

15. On May 25, 2011, Defendant's appointment and clinical privileges at Facility A were automatically relinquished for failure to provide information regarding actions taken by the State of Nebraska resulting in conditions placed on his license. Facility A had sent the Defendant multiple requests for this information.

16. Defendant failed to report the automatic relinquishment of his appointment and clinical privileges to the Department within thirty (30) days.

FIRST CAUSE OF ACTION

17. Paragraphs 1 through 16 are incorporated herein by reference.

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

19. 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 occupation or the ethics of the profession or occupation regardless of whether a person, patient or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

20. NEB. REV. STAT. § 38-179(15) (Reissue 2008) 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.

21. 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.

22. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as commission of any act of sexual misconduct, or exploitation related to the person's practice of medicine and surgery. Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses said relationship to induce or attempt to induce the patient to engage, or to attempt to engage the patient, in sexual activity; committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both.

23. Defendant's conduct is unprofessional conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

24. Paragraphs 1 through 23 are incorporated herein by reference.

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

26. NEB. REV. STAT. § 38-179(9) (Reissue 2008) defines unprofessional conduct as commission of any act of misconduct or exploitation related to the practice of the profession of the credential holder.

27. Defendant's conduct is unprofessional conduct and is grounds for discipline.

THIRD CAUSE OF ACTION

28. Paragraphs 1 through 27 are incorporated herein by reference.

29. Title 172 Chapter 88-013.1 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any departure from or failure

to conform to the ethics of the medical profession, as found in the American Medical Association's Code of Medical Ethics and Opinions.

30. The American Medical Association's Code of Medical Ethics and Opinions

§ 5.05 Confidentiality states:

"The information disclosed to a physician by a patient should be held in confidence. The patient should feel free to make a full disclosure of information to the physician in order that the physician may most effectively provide needed services. The patient should be able to make this disclosure with the knowledge that the physician will respect the confidential nature of the communication. The physician should not reveal confidential information without the express consent of the patient, subject to certain exceptions which are ethically justified because of overriding considerations."

31. The American Medical Association's Code of Medical Ethics and Opinions

§ 8.14 Sexual Misconduct in the Practice of Medicine also provides:

"Sexual contact that occurs concurrent with the patient-physician relationship constitutes sexual misconduct. Sexual or romantic interactions between physicians and patients detract from the goals of the physician-patient relationship, may exploit the vulnerability of the patient, may obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well-being.

If a physician has reason to believe that non-sexual contact with a patient may be perceived as or may lead to sexual contact, then he or she should avoid the non-sexual contact. At a minimum, a physician's ethical duties include terminating the physician-patient relationship before initiating a dating, romantic, or sexual relationship with a patient.

Sexual or romantic relationships between a physician and a former patient may be unduly influenced by the previous physician-patient relationship. Sexual or romantic relationships with former patients are unethical if the physician uses or exploits trust, knowledge, emotions, or influence derived from the previous professional relationship."

32. Defendant's personal relationships with patients and, continued treatment of those patients constitutes unprofessional conduct and is grounds for discipline.

FOURTH CAUSE OF ACTION

33. Paragraphs 1 through 32 are incorporated herein by reference.

34. 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.

35. Unprofessional conduct is defined by NEB. REV. STAT. § 71-148(17) (Reissue 2003) as violating an Assurance of Compliance.

36. NEB. REV. STAT. § 38-178(21) (Reissue 2008) provides that any violation of an Assurance of Compliance is grounds for discipline.

37. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

FIFTH CAUSE OF ACTION

38. Paragraphs 1 through 37 are incorporated herein by reference.

39. NEB. REV. STAT. § 38-178 (Reissue 2008) provides that a professional license may be disciplined for failing to file a report required by § 38-1,125 (Reissue 2008).

40. NEB. REV. STAT. § 38-1,125(1)(c)(i) (Reissue 2008) requires a professional to report their resignation from the staff of any health care facility that occurred while under formal or informal investigation or evaluation by the facility for issues of clinical competence, unprofessional conduct, or physical, mental, or chemical impairment.

41. Defendant's conduct in failing to report his employment resignation within the mandatory reporting time to the Department is grounds for discipline.

PRAYER

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Petition for Disciplinary Action for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003) and tax the costs of this proceeding 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, Nebraska 68509
402-471-9658

ATTORNEYS FOR PLAINTIFF

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

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

Plaintiff,

v.

MATTHEW GLENN, M.D.,

Defendant.

10-4018


NOTICE OF HEARING

A Petition for Disciplinary Action was filed with the Director on December 21, 2010, in the above captioned matter.

The Director has set this matter presented by said petition for hearing on **March 15, 2011 at 9:00 a.m. Central Time**. 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 in 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. §§38-186, 38-196 and 84-901 et seq., and the Rules of Practice and Procedure to the Department, 184 NAC 1, (a copy of which can be obtained from <http://www.dhhs.ne.gov>). If auxiliary aides or reasonable accommodations are needed for participation in the hearing please call Keith Roland (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 22nd day of December, 2010.



James J. Smith
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 22nd day of December, 2010, a copy of the foregoing **NOTICE OF HEARING** and the following **PETITION FOR DISCIPLINARY ACTION** were sent by regular and certified United States mail, postage prepaid, return receipt requested, to **Dr. Matthew Glenn, Pine Lake Health, 3901 Pine Lake Road, #211, Lincoln, NE 68516** and by interagency mail to **Susan M. Ugai**, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Keith B. Roland
DHHS Legal 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.)
)
MATTHEW M. GLENN, M.D.,)
)
Defendant.)

PETITION FOR DISCIPLINARY
ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-176, 38-186, 38-196 (Reissue 2008), 71-150, and 71-1,132.29 (Reissue 2003).
2. At all times relevant herein, the Defendant Matthew M. Glenn, M.D., has been the holder of medical license # 20176 issued by the Nebraska Department of Health and Human Services division of Public Health ("Department") to practice medicine.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law and 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 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. On October 23, 2006, Defendant entered into an Assurance of Compliance with the Nebraska Attorney General's Office. This Assurance of Compliance became effective on October 31, 2006.

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7. Defendant saw Patient A in his office on March 25, 2010, at 11:45 a.m. for a sinus problem. Patient A mentioned to Defendant that she and her husband were having some marital discord.

8. Telephone records show Defendant called Patient A on March 25, 2010, at 12:17 p.m., 1:02 pm, 1:48 pm, and 4:00 pm.

9. Defendant and Patient A met for coffee at a local coffee shop on April 2, 2010, to discuss Patient A's marital issues.

10. Defendant and Patient A exchanged text messages and met two weeks later at a local restaurant. Defendant gave Patient A a hug and kissed her when he walked her to her car.

11. Defendant and Patient A continued to exchange text messages. Defendant and Patient A met a third time outside Defendant's office. There were a total of three personal meetings within a four to six week period.

12. Defendant admitted he told Patient A it would be fun if she went to Miami with him.

13. Defendant admitted he told Patient A they should have dinner together in Las Vegas.

14. Defendant admitted that some of the text messages he exchanged with Patient A had some sexual connotation.

FIRST CAUSE OF ACTION

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

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

17. 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 occupation or the ethics of the profession or occupation regardless of whether a person, patient or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

18. NEB. REV. STAT. § 38-179(15) (Reissue 2008) 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.

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20. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as commission of any act of sexual misconduct, or exploitation related to the person's practice of medicine and surgery. Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses said relationship to induce or attempt to induce the patient to engage, or to attempt to engage the patient, in sexual activity;

committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both.

21. Defendant's conduct is unprofessional conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

22. Paragraphs 1 through 21 are incorporated herein by reference.

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

24. NEB. REV. STAT. § 38-179(9) (Reissue 2008) defines unprofessional conduct as commission of any act of misconduct or exploitation related to the practice of the profession of the credential holder.

25. Defendant's conduct is unprofessional conduct and is grounds for discipline.

THIRD CAUSE OF ACTION

26. Paragraphs 1 through 25 are incorporated herein by reference.

27. Title 172 Chapter 88-013.1 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any departure from or failure to conform to the ethics of the medical profession, as found in the American Medical Association's Code of Medical Ethics and Opinions.

28. The American Medical Association's Code of Medical Ethics and Opinions § 8.14 Sexual Misconduct in the Practice of Medicine provides:

"Sexual contact that occurs concurrent with the patient-physician relationship constitutes sexual misconduct. Sexual or romantic interactions

between physicians and patients detract from the goals of the physician-patient relationship, may exploit the vulnerability of the patient, may obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well-being.

If a physician has reason to believe that non-sexual contact with a patient may be perceived as or may lead to sexual contact, then he or she should avoid the non-sexual contact. At a minimum, a physician's ethical duties include terminating the physician-patient relationship before initiating a dating, romantic, or sexual relationship with a patient.

Sexual or romantic relationships between a physician and a former patient may be unduly influenced by the previous physician-patient relationship. Sexual or romantic relationships with former patients are unethical if the physician uses or exploits trust, knowledge, emotions, or influence derived from the previous professional relationship."

29. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

FOURTH CAUSE OF ACTION

30. Paragraphs 1 through 29 are incorporated herein by reference.

31. 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.

32. Unprofessional conduct is defined by NEB. REV. STAT. § 71-148(17) (Reissue 2003) as violating an Assurance of Compliance.

33. NEB. REV. STAT. § 38-178(21) (Reissue 2008) provides that any violation of an Assurance of Compliance is grounds for discipline.

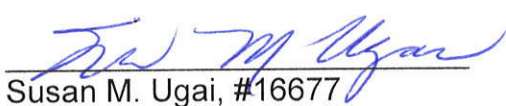
34. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

PRAYER

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Petition for Disciplinary Action for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003) and tax the costs of this proceeding 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, 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,)
)
v.)
)
MATTHEW M. GLENN, M.D.,)
)
Defendant.)

PRAECIPE

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:

Matthew Glenn, M.D.
Pine Lake Health
3901 Pine Lake Road, #211
Lincoln, NE 68516

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.

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

LICENSURE UNIT

AUG 26 2010

RECEIVED

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

H10-1550

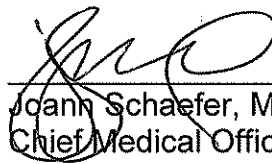
ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on August 17, 2010.

ORDER

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


DATED this 24 day of August, 2010.



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

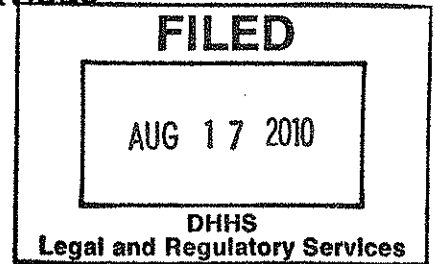
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 25th day of August, 2010 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **Eric B. Brown, Atwood, Holsten & Brown, 1133 H Street, Lincoln, NE 68508** and by interoffice mail to **Susan M. Ugai**, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Keith B. Roland
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.)
)
MATTHEW GLENN, M.D.,)
)
Defendant.)

AGREED SETTLEMENT

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

1. At all times relevant herein, the Defendant, Matthew Glenn, M.D., has been the holder of probationary license # 20176 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 him 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 that Defendant be given until October 1, 2010, to provide documentation he has successfully completed the ProBE (Problem Based Ethics) Course at his own expense. The ProBE course has been pre-approved by the Board of Medicine and Surgery as a course fulfilling the terms of Defendant's Assurance of Compliance which was effective October 31, 2006.

8. If Defendant does not provide documentation of completion of the ProBE Course by October 1, 2010, to the Department, his medical license will be suspended immediately and will remain suspended until such time as he provides proof he has completed a boundaries course pre-approved by the Board of Medicine and Surgery.

9. The Plaintiff and the Defendant also consent to the Chief Medical Officer entering a disciplinary order which imposes a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00).

10. 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.

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.

AGREED TO:

Matthew Glenn M.D.
Matthew Glenn, M.D.
Defendant

State of Nebraska)
County of Lancaster) ss.

Acknowledged before me by Matthew Glenn, M.D., on this 13th day of August, 2010.



Kelsey Landolt
Notary Public

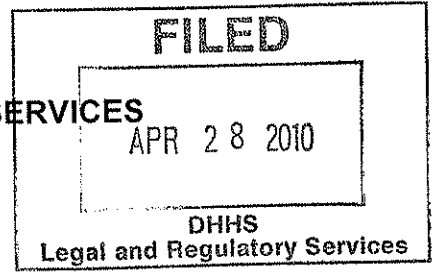
STATE OF NEBRASKA, ex rel. JON BRUNING, Attorney General, Plaintiff,

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,)
)
v.)
)
MATTHEW M. GLENN, M.D.,)
)
Defendant.)

PETITION FOR DISCIPLINARY
ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-176, 38-186, 38-196 (Reissue 2008), 71-150, and 71-1,132.29 (Reissue 2003).
2. At all times relevant herein, the Defendant Matthew M. Glenn, M.D., has been the holder of medical license # 20176 issued by the Nebraska Department of Health and Human Services division of Public Health ("Department") to practice medicine.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law and 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 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. On October 23, 2006, Defendant entered into an Assurance of Compliance with the Nebraska Attorney General's Office. This Assurance of Compliance became effective on October 31, 2006.

6. In the Assurance of Compliance Defendant agreed to complete a boundaries course approved by the Board of Medicine and Surgery within six months from the entry of the Assurance of Compliance on October 31, 2006. Defendant also agreed to show proof of completion of this course to the Board of Medicine and Surgery.

7. As of April 27, 2010, Defendant has not provided proof of completion of this course to the Board of Medicine and Surgery.

8. 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.

9. Unprofessional conduct is defined by NEB. REV. STAT. § 71-148(17) (Reissue 2003) as violating an Assurance of Compliance.

10. NEB. REV. STAT. § 38-178(21) (Reissue 2008) provides that any violation of an Assurance of Compliance is grounds for discipline.

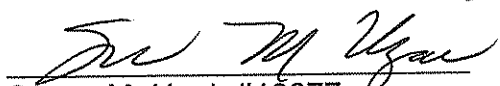
11. Defendant's conduct constitutes unprofessional conduct and is grounds for discipline.

PRAYER

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Petition for Disciplinary Action for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003) and tax the costs of this proceeding 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, Nebraska 68509
402-471-9658

Attorneys for Plaintiff.

34-1751-3

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

CREDITABLE DIVISION

IN THE MATTER OF)

THE LICENSE OF)

MATTHEW M. GLENN, M.D.)

ASSURANCE OF COMPLIANCE
RECEIVED

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

1. Dr. Glenn is the holder of a license to practice medicine (#20176) issued by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department").

2. It is alleged that Dr. Glenn prescribed domperidone for a patient, and the use of said drug is not approved by the U. S. Food and Drug Administration unless the physician has acquired an Investigational New Drug Application.

3. It is alleged that Dr. Glenn did not have an IND number and was therefore prescribing an unapproved drug in the U. S.

4. Dr. Glenn agrees to obtain an IND number from the U. S. Food and Drug Administration in the future if he wishes to prescribe domperidone to his patients.

5. Neb. Rev Stat. § 71-147(10) (2006 Cum. Supp.) provides that a credential to practice as a medical doctor may be disciplined for unprofessional conduct.

6. Neb. Rev. Stat. § 71-148 (Reissue 2003) defines unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession ... regardless of whether a person, patient, or entity is injured.

7. 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.

8. Title 172 NAC 88-013.15 Regulations Governing the Practice of Medicine defines unprofessional conduct as the use of any therapy, drug or device in a manner inconsistent with the Federal Food, Drug and Cosmetic Act.

9. Unprofessional conduct is defined by Neb. Rev. Stat. § 71-148(17) (Reissue 2003) as violating an Assurance of Compliance.

10. Any violation of this Assurance of Compliance by Dr. Glenn shall constitute unprofessional conduct pursuant to Neb. Rev. Stat. §§ 71-147(10) (2006 Cum. Supp.) and 71-148(17) (Reissue 2003) and will be grounds for discipline.

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

12. This Assurance of Compliance is entered into pursuant to Neb. Rev. Stat. § 71-171.02 (Reissue 2003).

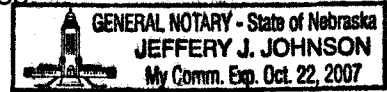
Dated this 16 day of August, 2007.

Matthew M Glenn
Dr. Matthew M. Glenn, M.D.

State of Nebraska)
County of Lancaster) ss.

The above Assurance of Compliance was acknowledged before me by Dr. Matthew M. Glenn, M.D., on this 16 day of August, 2007.

Jeffery J Johnson
Notary Public
My Commission Expires:



Dated this 21st day of August, 2007.

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

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

IN THE MATTER OF)
)
THE LICENSE OF) **ASSURANCE OF COMPLIANCE**
)
MATTHEW GLENN, M.D.)

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

1. Dr. Glenn is the holder of a license to practice as a medical doctor (#20176) which license was issued by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department").

2. It is alleged that in August of 2005 Dr. Glenn had intimate relations with a patient.

4. In the future Dr. Glenn agrees to not develop intimate relationships with his patients.

5. Dr. Glenn agrees to complete a boundaries course approved by the Board of Medicine and Surgery within six (6) months from the entry of this Assurance of Compliance and show proof of same to the Board upon completion.

6. Neb. Rev. Stat. § 71-147(10) provides that a license to practice as a medical doctor may be disciplined for unprofessional conduct.

7. Unprofessional conduct is defined by:

A. Neb. Rev. Stat. § 71-148 to mean "any departure from or failure to conform to the standard of acceptable and prevailing practice of a profession...regardless of whether a patient is injured...."

B. "Violating an Assurance of Compliance" as provided by Neb. Rev. Stat. § 71-148(17).

8. Any violation of this Assurance of Compliance by Dr. Glenn shall constitute unprofessional conduct pursuant to Neb. Rev. Stat. §§ 71-147(10) and 71-148(17).

9. This Assurance of Compliance is not a disciplinary action against Dr. Glenn's license to practice as a medical doctor.

10. This Assurance of Compliance is entered into pursuant to Neb. Rev. Stat. § 71-171.02 and shall become effective ten (10) days from the date it is signed by the Attorney General's Office.

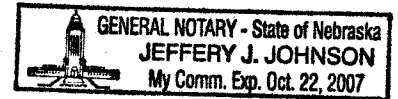
Dated this 23rd day of October, 2006.

Matthew M. Glenn
Dr. Matthew Glenn, M.D.

State of Nebraska)
County of Lancaster) ss.

The above Assurance of Compliance was acknowledged before me by Dr. Matthew Glenn, M.D., on this 23 day of October, 2006.

Jeffery J. Johnson
Notary Public
My Commission Expires:



Dated this 31st day of October, 2006.

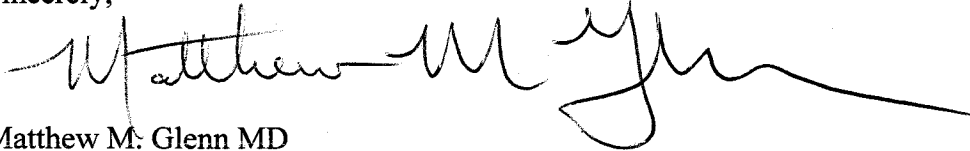
BY: JON BRUNING, #20351
Attorney General

BY: Terri J. Nutzman
Terri J. Nutzman, #18623
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
(402) 471-9658

I am, by signing this *Assurance of Compliance*, in no way admitting to the alleged incidence which occurred in August of 2005. After a year long investigation involving countless interviews of individuals, who were in no way privy to information regarding the incidence, ready to put this to rest. I would appreciate further information on what constitutes a "boundaries course" and where these are available.

I would appreciate if this brief letter is included with my signed *Assurance of Compliance*.

Sincerely,

A handwritten signature in cursive script that reads "Matthew M. Glenn". The signature is written in black ink and is positioned above the typed name.

Matthew M. Glenn MD

DEPARTMENT OF JUSTICE

OCT 30 2006

STATE OF NEBRASKA