

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

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

Plaintiff,

vs.

MARY APTHORPE, PLADC,

Defendant.

11-2217


ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on August 3, 2011.

ORDER

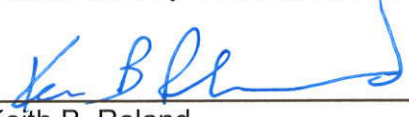
1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.
4. The civil penalty payment(s) shall be mailed to DHHS Division of Public Health, Licensure Unit, ATTN: Diane Pearson, 301 Centennial Mall South, P.O. Box 94986, Lincoln NE 68509.

DATED this 11 day of August, 2011.

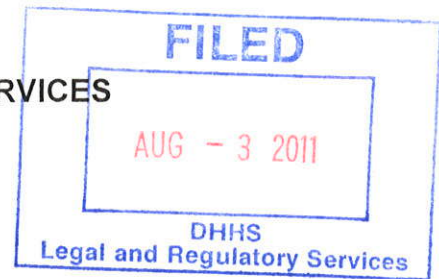

Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 12th day of August, 2011 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **Mary Apthorpe, 841 S. 10th St., Lincoln, NE 68508** and by interoffice mail to **Julie L. Agena**, 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,

MARY APTHORPE, PLADC,

Defendant.

AGREED SETTLEMENT

The Plaintiff and the Defendant, Mary Apthorpe, PLADC, in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Mary Apthorpe, was issued a probationary license (#P-641) to practice as a provisional alcohol and drug counselor by the Nebraska Department of Health and Human Services Division of Public Health ("Department").

2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant 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.

3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce her to enter into this Agreed Settlement.

4. The Defendant acknowledges that she is not licensed to practice as an alcohol and drug counselor in any state other than Nebraska.

5. The Defendant acknowledges that she has read the Petition to Revoke Probation filed by the Attorney General's Office. The Defendant admits the allegations of the Petition to Revoke Probation.

6. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a final disciplinary order which finds the allegations of the Petition to Revoke Probation are true and impose the sanction of a censure and a civil penalty in the amount of Five Hundred Dollars (\$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.

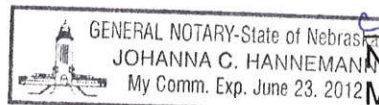
7. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

By: Mary Apthorpe, PLADC
Mary Apthorpe, PLADC
Defendant

State of Nebraska)
)
County of Lancaster) ss.

Acknowledged before me by Mary Apthorpe, PLADC, on this 18th day of July, 2011.



Johanna C. Hannemann
Notary Public
My Commission Expires: 6/23/12

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

By: JON BRUNING, #20351
Attorney General

By: Julie L. Agena
Julie L. Agena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509

Attorneys for the 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,

MARY APTHORPE, PLADC,

Defendant.

PETITION TO REVOKE
PROBATION

The Plaintiff alleges as follows:

1. On July 26, 2007, the Defendant was issued an initial probationary license (#P-641) to practice as a provisional alcohol and drug counselor.

2. The Defendant's probationary license was issued due to the diagnosis of amphetamine dependence, sustained full remission; cocaine dependence, sustained full remission; and alcohol dependence, sustained full remission; as identified in the Chemical Dependency Evaluation completed on May 11, 2007.

3. The Defendant's probationary license was also issued due to a history of thirty-one (31) separate convictions, including, but not limited, to the following:

- a. Possess marijuana or drug paraphernalia—4 convictions;
- b. Steal money or goods less than \$300;
- c. Theft-shoplifting \$0-20—3 convictions;
- d. Assault, strike or cause bodily injury;
- e. Driving Under the Influence—3 convictions;
- f. Assault 3rd Degree-threaten—2 convictions;
- g. Intimidation by phone call;
- h. Possession of controlled substance—meth.

4. The Defendant's license was placed on probation for five (5) years.

5. Condition 4 of said probation requires the Defendant to submit to random body fluid alcohol screens at her own expense and at such time and place as the

Department of Health and Human Services, Licensure Unit, may direct. The Defendant is required to pay the expense incurred as a result of the body fluid testing.

6. The Defendant failed to report for body fluid screen testing on December 21, 2007, September 17, 2008, October 16, 2008, April 7, 2009, August 20, 2010, and July 8, 2011.


7. The Defendant violated condition 4 of the probationary order as stated above and this is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Petition to Revoke Probation for hearing pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2008), and tax the costs of this proceeding to the Defendant.

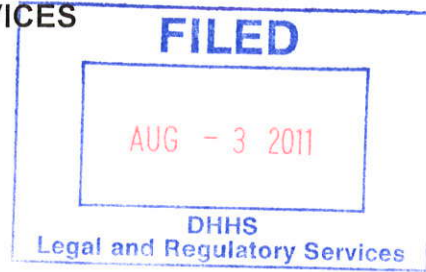
STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,
Plaintiff,

By: JON BRUNING, #20351
Attorney General

By: 
Julie L. Avena, #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



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

Plaintiff,)

v.)

MARY APTHORPE, PLADC,)

Defendant.)

VOLUNTARY APPEARANCE

The undersigned Defendant acknowledges receipt of a copy of the Petition to Revoke Probation enters her voluntary appearance, and waives the need for service of the Petition to Revoke Probation.

Future notices concerning the above matter can be sent to the Defendant at the address listed below.

Dated this 16 day of July, 2011.



Mary Apthorpe
Defendant

Mailing address:
841 S. 10th Street
Lincoln NE 68508