

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

IN THE MATTER OF THE APPLICATION FOR)	Physician
REINSTATEMENT OF)	
ALI, MAMAN LAWAN, MD)	ORDER ON APPLICATION
	FOR REINSTATEMENT WITH PROBATION

THIS MATTER came on for consideration of the Application for Reinstatement filed by
Maman Lawan Ali, on April 10, 2025.

Being duly advised in the premises, the undersigned finds that the Board of Medicine and Surgery's
written recommendation for reinstatement with probation dated May 22, 2025, should be
affirmed.

IT IS SO ORDERED.

Dated: 6/10/25

[REDACTED]
Timothy Tesmer, MD
Chief Medical Officer
Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that a copy of the foregoing were sent on the date
below by certified United States mail, postage prepaid, return receipt requested, first-class mail and/or
electronically, to:

Maman Lawan Ali
13612 Burt Street
Omaha, NE 68154-5168
La1ali@yahoo.com

Melanie J. Whittamore-Mantzios
Baylor Evnen Wolfe, and Tannehill, LLP
Union Bank Place
1248 O Street, Ste 900
Lincoln, NE 68508
mmantzios@baylorevnen.com

Dated: 6/11/2025

[REDACTED]
Jan/Gadeken-Harris, Health Licensing Coordinator
Office of Medical and Specialized Health
Licensure Unit, Division of Public Health
Department of Health and Human Services
PO Box 94986
Lincoln, NE 68509-4986

JUN 06 2025

DEPARTMENT OF HEALTH AND HUMAN SERVICES
STATE OF NEBRASKA

RECEIVED

REQUEST ISSUANCE OF CREDENTIAL

I, **Maman Lawan Ali #25477**, having received notification of the offer to reinstate to me a Credential to practice Medicine and Surgery under certain probationary terms and conditions, do hereby accept the offering and request the Department to reinstate my credential in accordance with the probation specified in the notification.

Further, I will abide by the probationary terms and conditions under which my credential is reinstated.

6/2/2025
Date


Signature of Applicant

Mail to: Jan Gadeken-Harris, Health Licensing Coordinator
Nebraska Department of Health and Human Services
Division of Public Health
Licensure Unit
PO Box 94986
Lincoln, NE 68509



May 22, 2025

Sent by Certified Mail and 1st Class Mail

Maman Lawan Ali
13612 Burt Street
Omaha, NE 68154-5168

Dear Dr. Ali:

This letter provides notification that on May 16, 2025, the Board of Medicine and Surgery reviewed at its meeting the reinstatement application and supporting documents relating to your request for reinstatement after suspension of your License to practice as a Physician, No. 25477.

The Board is recommending a reinstatement of your license subject to probation, to practice as a Physician in the State of Nebraska.

The **Probation** would be effective for two (2) years and include the following terms and conditions:

1. Abstain from the consumption of alcohol and other products or medications containing alcohol to include but not limited to mouthwash and over the counter medications, such as cough syrups, unless prescribed by a licensed physician or authorized licensed practitioner for a current diagnosed medical condition.
2. Abstain from the personal use or possession of controlled substances and all other prescription drugs, unless prescribed for or administered by a licensed physician or authorized licensed practitioner for a current diagnosed medical condition.

To comply with conditions 1 and 2, you are to submit reports on any medications that are prescribed to you, using the enclosed Medication Records Report. This Report must be completed and submitted on a quarterly basis by the 10th of each quarter during the term of probation. You may obtain medical treatment/advice from only one physician, unless referrals are necessary and receive prescription drugs from only one pharmacy.

3. Submit to random body fluid screening or chemical testing, **to include screening for Ketamine**, at your own expense and at such times and places as the Nebraska Department of Health and Human Services (NDHHS) may direct.

To comply with this condition, you must follow the instructions and directives of NDHHS for body fluid screening or chemical testing set out in Body Fluid Screen Instructions.

4. Refrain from conduct which would constitute a misdemeanor or felony which has a rational connection to your fitness to practice as a Physician.
5. Provide notification of this Probationary action to all employers and to the licensing authority in any state where you have or obtain an active Physician license within 5 days of employment, any changes in employment, or subsequent out-of-state licensure. Such notification must include providing a copy

of the terms and conditions of the probation. Written confirmation of this notification shall be provided by the Applicant to the Department within 30 days of any changes in employment or any subsequent out-of-state licensure. Enclosed is an Employer Notification Form.

6. Inform employers that they must submit quarterly reports. These reports need to describe your work habits, work-related performances, attendance, and rapport and conduct with co-workers/clients/employer.

Enclosed is an Employer Report form. These reports are to be completed and submitted by the 10th day of January, April, July and October for the duration of probation. A final employer report shall be submitted no less than 30 days before the completion of the probation period.

7. Provide written notification, within 7 days of its occurrence, any change in employment status or employer, including the name and complete address and complete phone number of the employer, and its effective date. The name, complete address and complete phone number of your current employer is due within 7 days of the issuance of your Probationary license.
8. Provide written notification, within 7 days of its occurrence, any change in residence, address or phone number and its effective date.
9. Obey all state and federal laws and rules and regulations regarding practice as a Physician.
10. If you notify the Department in writing that you have discontinued practicing in Nebraska for 6-months or longer or hold an inactive license, the Probationary terms and conditions will not be in effect and the Department will discontinue monitoring your probation from the date you notified the Department. If you return to practice, you must notify the Department and your end date of probation will be adjusted to comply with the original length of probation. If you do not notify the Department that you have resumed practice, such practice will be considered a violation of probation and may be subject to discipline.
11. If you practice or reside in a jurisdiction other than Nebraska, such practice or residency shall not serve to reduce or satisfy the probationary terms and conditions unless that jurisdiction adopts the probationary terms and conditions that are on your Nebraska license. If this situation should occur, you may submit documentation that includes the terms and conditions of your licensure in the other jurisdiction. This information will be reviewed to determine equivalency with your Nebraska probationary terms and conditions.
12. Provide all reports, notices, and other documentation, as directed by the Department. If the Department provides any particular form of report, reports must be made on such form.
13. Promptly respond to all requests and inquiries by the Department concerning compliance with the terms of probation.
14. Pay any costs associated with insuring compliance with this probationary status.
15. Appear at any meetings of the Board of Medicine and Surgery when requested.
16. Advise the Department of any and all professional counseling and provide such written authorization which may be requested by the Department for all medical, substance abuse/dependence treatment, and mental health counseling records, information, and reports including such forms of authorization to permit the obtaining and use of records, information, and reports by the Department and by the Nebraska Attorney General in conformity with 42 Code of Federal Regulations, Part 2.

17. Comply with any treatment recommendations, including recommendations for attendance at support groups and maintaining a sponsor. If a specific type of support group/sponsor is recommended, Applicant may substitute an alternative type of support group/sponsor which has been preapproved in writing by DHHS. Enclosed is a Self-Help/Support Group Attendance Record for your convenience.
18. Prohibited from prescribing or accessing controlled substances.
19. Your practice of medicine and surgery as a Physician must be supervised by a Nebraska licensed physician who is willing to serve as your Practice Quality Monitor. The Practice Quality Monitor must be approved by the Board of Medicine and Surgery in advance of your commencement of practice in Nebraska. Within 30 days of the date of this letter submit to the Department through the Compliance Monitor the name of a physician whom you nominate to serve as your Practice Quality Monitor. The licensed Nebraska physician whom you nominate must be currently practicing in Nebraska, must be knowledgeable in your area of practice, and must not have had disciplinary action taken against his/her license. The nominated physician must submit to the Board a current curriculum vitae and a letter which includes his/her statement indicating that he/she has read this offer letter, understands, and agrees to perform the obligations set forth, and believes he/she can be fair and impartial in the review of your practice. The Board will review the information provided and will notify you if the individual is approved to serve as your Practice Quality Monitor.

Enclosed is a Practice Quality Monitor Request Form.

20. The Practice Quality Monitor is not required to always be present while you are engaged in medical practice but must be responsible for overall supervision of your conduct as a physician. The Practice Quality Monitor must agree to provide the Department and the Board with quarterly reports regarding your work habits and progress throughout the probationary period. The Practice Quality Monitor must meet face to face with you at your work site(s) for no less than one (1) hour per month during the probationary term.
21. The Practice Quality Monitor must complete a monthly on-site review of twenty percent (20%) of all patient records. The Practice Quality Monitor must review twenty percent (20%) of all patient records at each work site/employer. You must follow the instructions and directives of the Department regarding such review. Reviews must include, but not be limited to complete medical records, testing procedures and results, and diagnosis.

Enclosed is a Practice Quality Monitor Report Form.

The first quarterly report is due within the first 10 days of the month following the period of time being reported. The quarterly reports are due by the 10th day of January, April, July and October. The final report is due not less than 30 days prior to the end of the period of supervision.

22. The Practice Quality Monitor must immediately report to the Department, in writing, any action on the part of the Defendant that the Practice Quality Monitor feels violates any law or regulation with respect to medicine and surgery or any action or conduct that the Practice Quality Monitor feels is not in accordance with the generally accepted standard of medicine and surgery in Nebraska.
23. You must cooperate fully with any reasonable request by the Practice Quality Monitor necessary to implement the supervision including any request to examine records and documents relating to your medical practice in this state.

The basis for the Board's recommendation is:

- Prior disciplinary history
- Submission of evidence of satisfactory progress in an established treatment program

Once your license is reinstated, your compliance with the herein stated probationary terms and conditions will be monitored by the person whose name appears below. Therefore, you are to submit all reports and direct all questions to this person.

Anna Harrison, RN, Compliance Monitor
Licensure Unit, PO Box 94986
Division of Public Health
Dept. of Health & Human Services
Lincoln, NE 68509-4986
Phone: (402) 471-0313 or FAX: (402) 742-2306
Email: dhhs.licensingcompliance@nebraska.gov

To respond to this recommendation, you will need to exercise one of the following options:

- Accept the recommendation; or
- Request a Hearing to Appeal the recommendation of a probationary License.

Your response must be made in writing and received by the Licensure Unit within 30 days of the date of mailing this letter.

If you accept the recommendation, please complete the enclosed "Request Issuance of License" form and return it to the Licensure Unit to the address shown on the form. Upon receipt of this form, the reinstatement application, supporting documentation, and the Board's recommendation will be forwarded to the Chief Medical Officer (CMO) of the Division of Public Health for a decision. The Chief Medical Officer will enter an order setting forth the decision.

The order regarding reinstatement of the applicant's credential will be sent to the applicant by certified mail. The Chief Medical Officer's decision may be appealed to District Court by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

If you request a hearing, you will be notified of the date, time and place of the hearing and other pertinent information as required by law. You may request a copy of the Department's Rules of Practice and Procedure that further explain your rights in relation to that hearing. Following the hearing, the Chief Medical Officer will enter an order setting forth the decision. The Chief Medical Officer may:

1. Affirm the recommendation of the board and grant reinstatement; or
2. Reverse or modify the recommendation if the board's recommendation is (i) in excess of statutory authority, (ii) made upon unlawful procedure, (iii) unsupported by competent, material, and substantial evidence in view of the entire record, or (iv) arbitrary or capricious.

If you do not respond to the Board's recommendation, the reinstatement application, supporting documentation and the Board's recommendation will be forwarded to the Chief Medical Officer of the Division of Public Health for a decision.

Please contact Vonda Apking, Program Manager, Office of Medical and Specialized Health at (402) 471-4915 or vonda.apking@nebraska.gov if you have questions regarding the Board's recommendation.

Sincerely,

THE BOARD OF MEDICINE AND SURGERY

[REDACTED]

Adam B. Kuenning, JD, LLM, Chairperson

ABK/jgh

Enclosures: Acceptance of Reinstatement Offer Form
Medication Records Report Form
Body Fluid Screening Instructions
Employer Notification Form
Employer Report Form
Licensing Authorization Form
Self-Help/Support Group Attendance Record
Practice Monitor Request & Report Form

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing were sent on the date below by United States certified mail postage prepaid, first-class mail and/or electronically, to:

Maman Lawan Ali
13612 Burt Street
Omaha, NE 68154-5168
La1ali@yahoo.com

Melanie J. Whittamore-Mantzios
Baylor Evnen Wolfe, and Tannehill, LLP
Union Bank Place
1248 O Street, Ste 900
Lincoln, NE 68508
mmantzios@baylorevnen.com

Dated: 5/22/2025

[REDACTED]
Jan Gadeken-Harris, Health Licensing Coordinator
Office of Medical and Specialized Health
Licensure Unit, Division of Public Health
Department of Health and Human Services
PO Box 94986
Lincoln, NE 68809-4986

BEFORE THE BOARD OF
MEDICINE AND SURGERY
STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION FOR
REINSTATEMENT AFTER SUSPENSION
ON THE LICENSE OF
MAMAN LAWAN ALI
TO PRACTICE AS A PHYSICIAN

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DENIAL and
NOTICE OF RIGHT TO
REQUEST HEARING

On October 25, 2024, the Board of Medicine and Surgery reviewed Maman Lawan Ali's request for reinstatement after suspension of his Physician and Surgery License, No. 25477, to practice in the State of Nebraska.

The Board of Medicine and Surgery, by a vote of 6-0, voted to deny Maman Lawan Ali's application for reinstatement after suspension of his license. The basis for the denial is insufficient evidence to support reinstatement and prior disciplinary action.

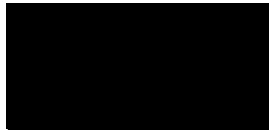
This decision will become final thirty (30) days from the date of this notice unless the applicant requests a hearing within thirty (30) days of the date of this letter.

Applicant is hereby notified that applicant is entitled to a hearing before the Board of Medicine and Surgery to present information prior to the Board making a final decision regarding the reinstatement after revocation of his license.

If applicant desires such a hearing, a written request must be sent to the Board of Medicine and Surgery, c/o Nebraska Department of Health and Human Services, Licensure Unit, P.O. Box 94986, Lincoln, Nebraska 68509. Upon receipt of said request applicant will be sent a notice of the date, time, and place of a hearing.

Dated this 1st day of November 2024.

Board of Medicine and Surgery



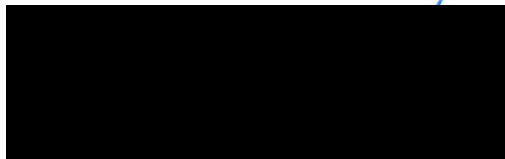
Rachel Blake, MD, Vice-Chairperson

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing were sent on the date below by United States certified mail, postage prepaid, first-class U.S. mail and/or electronically, to:

Maman Lawan Ali
13612 Burt Street
Omaha, NE 68154

Melanie J. Whittamore-Mantzios
Baylor Evenen Wolfe, and Tannehill, LLP
Union Bank Place
1248 O Street, Ste 900
Lincoln, NE 68508



Dated: 11/1/2024

Jan Gadeken-Harris, Health Licensing Coordinator
Office of Medical and Specialized Health
Licensure Unit, Division of Public Health
Department of Health and Human Services
PO Box 94986
Lincoln, NE 68509-4986

BEFORE THE BOARD OF
MEDICINE AND SURGERY
STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION FOR
REINSTATEMENT AFTER SUSPENSION
ON THE LICENSE OF
MAMAN LAWAN ALI, MD
TO PRACTICE AS A PHYSICIAN

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DENIAL and
NOTICE OF RIGHT TO
REQUEST HEARING

On February 9, 2024, the Board of Medicine and Surgery reviewed Maman Lawan Ali's request for reinstatement after suspension of his Physician License, No. 25477, to practice in the State of Nebraska.

The Board of Medicine and Surgery, by a vote of 6-0, voted to deny Maman Lawan Ali's application for reinstatement after suspension of his license. The basis for the denial is insufficient evidence to support reinstatement.

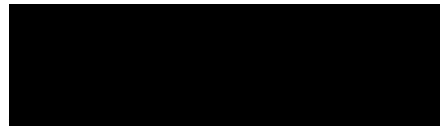
This decision will become final thirty (30) days from the date of this notice unless the applicant requests a hearing within thirty (30) days of the date of this letter.

Applicant is hereby notified that applicant is entitled to a hearing before the Board of Medicine and Surgery to present information prior to the Board making a final decision regarding the reinstatement after suspension of his license.

If applicant desires such a hearing, a written request must be sent to the Board of Medicine and Surgery, c/o Nebraska Department of Health and Human Services, Licensure Unit, P.O. Box 94986, Lincoln, Nebraska 68509. Upon receipt of said request applicant will be sent a notice of the date, time, and place of a hearing.

Dated this 21st day of February 2024.

Board of Medicine and Surgery



Rachel Blake, MD, Vice-Chairperson

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing were sent on the date below by United States certified mail, postage prepaid, first-class U.S. mail and/or electronically, to:

MAMAN LAWAN ALI
13612 BURT STREET
OMAHA, NE 68154
la1ali@yahoo.com

MINDY LESTER
ASSISTANT ATTORNEY GENERAL
AGO.HEALTH@NEBRASKA.GOV

Dated: 2/21/2024



Jan Gadeken-Harris, Health Licensing Coordinator
Office of Medical and Specialized Health
Licensure Unit, Division of Public Health

BEFORE THE BOARD OF
MEDICINE AND SURGERY
STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION FOR
REINSTATEMENT AFTER SUSPENSION
ON THE LICENSE OF
MAMAN LAWAN ALI, MD
TO PRACTICE AS A PHYSICIAN

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)

DENIAL and
NOTICE OF RIGHT TO
REQUEST HEARING

On October 20, 2023, the Board of Medicine and Surgery reviewed Maman Lawan Ali's request for reinstatement after suspension of his Physician License, No. 25477, to practice in the State of Nebraska.

The Board of Medicine and Surgery, by a vote of 8-0, voted to deny Maman Lawan Ali's application for reinstatement after suspension of his license. The basis for the denial is previous substance abuse and previous disciplinary action.

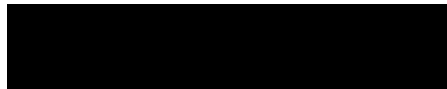
This decision will become final thirty (30) days from the date of this notice unless the applicant requests a hearing within thirty (30) days of the date of this letter.

Applicant is hereby notified that applicant is entitled to a hearing before the Board of Medicine and Surgery to present information prior to the Board making a final decision regarding the reinstatement after suspension of his license.

If applicant desires such a hearing, a written request must be sent to the Board of Medicine and Surgery, c/o Nebraska Department of Health and Human Services, Licensure Unit, P.O. Box 94986, Lincoln, Nebraska 68509. Upon receipt of said request applicant will be sent a notice of the date, time, and place of a hearing.

Dated this 27th day of October 2023.

Board of Medicine and Surgery



Brian J. Keegan, MD, Chairperson

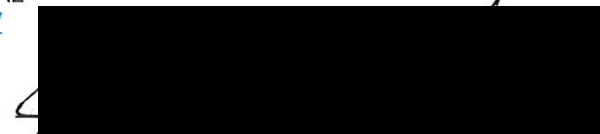
CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing were sent on the date below by United States certified mail, postage prepaid, first-class U.S. mail and/or electronically, to:

MAMAN LAWAN ALI
13612 BURT STREET
OMAHA, NE 68154
la1ali@yahoo.com

MINDY LESTER
ASSISTANT ATTORNEY GENERAL
AGO.HEALTH@NEBRASKA.GOV

Dated: 10/27/2023



Jan Gadeken-Harris, Health Licensing Coordinator
Office of Medical and Specialized Health
Licensure Unit, Division of Public Health



DEPT. OF HEALTH AND HUMAN SERVICES

Pete Ricketts, Governor

November 18, 2022

Certified Mail

Maman Ali, MD
11819 Miracle Hills D. Ste 105
Omaha, NE 68154

Re: **Order to Cease and Desist**

Dear Dr. Ali:

The Nebraska Department of Health and Human Services has determined, following an investigation, that you continued to engage in the practice of medicine and surgery while your physician license was suspended. Specifically, your license was temporarily suspended from March 29, 2022, until June 1, 2022. Your license is currently suspended for a period of fifteen (15) months by Order of the Chief Medical Officer entered May 26, 2022, and effective June 1, 2022.

Our records indicate you authorized nine (9) new prescriptions for Patient A between April 4, 2022, and April 25, 2022. Further, you provided medication samples to Patient B on or about May 12, 2022.

The Medicine and Surgery Practice Act, Neb. Rev. Stat. § 38-2024 (Reissue 2016) defines the practice of medicine and surgery as (2) persons who prescribe and furnish medicine for some illness, disease, ailment, injury, pain, deformity, or any physical or mental condition, or treat the same by surgery, and (4) persons who suggest, recommend, or prescribe any form of treatment for the intended palliation relief, or cure of any physical or mental ailment of any person.

The Uniform Credentialing Act provides no person shall engage in the practice of medicine and surgery without a credential to do so. (See Neb. Rev. Stat. §38-121(1)(x) (Cum. Supp. 2020). You do not hold an active credential to practice medicine and surgery in Nebraska.

Pursuant to Neb. Rev. Stat. §§ 38-140 and 38-1,124 (Reissue 2016, Cum. Supp. 2020), you are hereby ORDERED, effective immediately, to **CEASE AND DESIST** the above described actions until such time that you possess the necessary credential.

Please be advised that failure to comply with this Order is a Class III felony, punishable by up to a \$25,000 fine or four years imprisonment.

If you disagree with this determination, you may submit written information on this subject to the undersigned for consideration.

[Redacted Signature]
Gary J. Anthony, M.D.
Chief Medical Officer
Director, Division of Public Health
Nebraska Department of Health and Human Services
301 Centennial Mall South
Lincoln, NE 68509

cc: Attorney General's Office
DHHS Legal Services Department
DHHS Program Manager

44-1332-6

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

FILED

MAY 26 2022

STATE OF NEBRASKA ex rel., DOUGLAS)
J. PETERSON, Attorney General,)
)
Plaintiff,)
)
v.)
)
ALI, MAMAN)
)
Defendant.)

220301 MD

DHHS Hearing Office

FINDINGS OF FACT AND
CONCLUSIONS OF LAW;
ORDER

STATEMENT OF THE CASE

A Petition for Disciplinary Action was filed in this matter on March 25, 2022, alleging that Defendant, Maman Ali, M.D., was convicted of a misdemeanor rationally related to his fitness to practice medicine and failed to report said conviction as required, abused a controlled substance, violated the Uniform Controlled Substances Act, practiced his profession while impaired, and engaged in immoral or dishonorable conduct evidencing unfitness to practice his profession. On March 29, 2022, an Order for Temporary Suspension was entered against the Defendant's license to practice medicine and surgery.

SUMMARY OF THE HEARING

A hearing was held in this matter on April 11, 2022, in Lincoln, Nebraska, before Robert E. Harkins, Department of Health and Human Services (DHHS) Hearing Officer. Mindy Lester and Milissa Johnson-Wiles, Assistant Attorneys General, appeared on behalf of the State of Nebraska. Defendant, Maman Ali, M.D., appeared *pro se*. Testimony and exhibits were received into evidence.

The Hearing Officer makes the following proposed Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Proper notice of this hearing was provided to the parties.
2. On November 30, 2009, DHHS issued Physician License #25477 to Defendant. Defendant's license is currently suspended pursuant to a Temporary Suspension Order.
3. At all times relevant herein, Defendant provided physician services at a medical clinic (M.H.C.) in Omaha, Nebraska. Defendant is the owner of M.H.C., and Defendant and M.H.C. provided primary care services to patients, including infusions of Ketamine, a Schedule III

Controlled Substance, for the treatment of psychiatric disorders. Ketamine is used primarily for induction and maintenance of anesthesia.

4. On or about April 2, 2020, Defendant was found by law enforcement to be "passed out" behind the wheel of his vehicle while the vehicle's engine was running. Law enforcement reports indicated Defendant subsequently failed three field sobriety checks, emanated a strong odor of alcoholic beverages, and refused to complete a preliminary alcohol breath test. Defendant was subsequently charged with a misdemeanor count of Driving Under the Influence of Alcohol (1st Offense), one misdemeanor count of Failing To Submit to a Blood, Breath or Urine Test, and one misdemeanor count of Refusal to Submit to Preliminary test.

5. On or about April 27, 2020, in the County Court of Douglas County Nebraska, Defendant was convicted of one count of misdemeanor Driving Under the Influence of Alcohol (1st Offense).

6. Defendant failed to report the above conviction to DHHS as required by law.

7. On December 19, 2021, video surveillance at M.H.C. shows Defendant accessing the Ketamine storage inventory outside of clinic hours.

8. On February 12, 2022, Defendant was working as a physician in the Emergency Room at a hospital in Carroll, Iowa. At approximately 8:30 a.m., Defendant was observed by non-medical staff in a call room with medication vials and a syringe. The medications were subsequently identified as Midazolam, Magnesium, Ketamine, Dexamethasone, Phenergan, and Toradol. Defendant was contacted by the hospital's Chief Medical Officer (CMO), who is a licensed physician. Defendant advised the facility's CMO that he had been diagnosed with Cervical Spine Stenosis approximately one year prior, and that Defendant had been self-medicating with intravenous injections of Ketamine, Versed, and Phenergan for pain control. Defendant advised he had obtained the medications from M.H.C. Based on his observations of the Defendant, the C.M.O. concluded Defendant was impaired and unable to treat patients, and substitute physicians were tasked to provide emergency services. The C.M.O. also instructed his staff to ensure Defendant safely returned to Omaha. A report regarding this incident was subsequently communicated to the Iowa Board of Medicine.

9. On February 15, 2022, the Omaha Fire Department (OFD) and Omaha Police Department (OPD) responded to a report of an unresponsive male in his car. The subject of the report was later identified as the Defendant. OFD and OPD records reveal the following:

- a. Defendant was described as unresponsive with an altered mental state. Defendant's vehicle was running and defendant was passed out behind the wheel;
- b. Defendant was found "foaming at the mouth with a needle hanging out of his arm";

- c. A 10 ml syringe, lock tubing, and a butterfly needle were found on the edge of the car seat on Defendant's left side;
 - d. Emergency responders noted "numerous track marks and scar tissue over both arms";
 - e. OPD officers found Epinephrine, Adenosine, Amiodarone, HCl, Vyvanse (Schedule II Controlled Substance), Magnesium Sulfate, and Diphenhydramine in Defendant's vehicle;
 - f. Defendant was transported to the hospital for medical treatment and evaluation. Defendant submitted to sobriety testing conducted by an OPD Drug Recognition Expert (DRE). The DRE concluded Defendant was impaired and was under the influence of Central Nervous System depressants;
 - g. Defendant provided a urine sample at approximately 1853 hours;
 - h. Defendant was cited for Driving Under the Influence of Drugs (1st Offense). This criminal matter was pending at the time of the administrative hearing;
 - i. The urine sample provided by Defendant was subsequently tested by the Nebraska State Patrol Crime Laboratory. Defendant's sample was positive for Ketamine, Norketamine, Promethazine, and alpha-hydroxy-Midazolam.
10. On February 23, 2022, M.H.C. medical staff completed a Daily Ketamine Tracking Report. M.H.C. medical staff concluded there was an unexplained shortage of approximately 400 mgs of Ketamine from the clinic's supply.
11. On February 24, 2022, M.H.C.'s Daily Ketamine Tracking Report showed an unexplained shortage of approximately 250 mgs of Ketamine from the clinic's supply.
12. On or about March 15, 2022, a DHHS Investigator interviewed K.R., a nurse and member of M.H.C.'s medical staff. K.R. provided the following information:
- a. In approximately August of 2021, K.R. and other M.H.C. staff began noticing discrepancies in the clinic's Ketamine inventory. These discrepancies continued throughout 2021 and into early 2022;
 - b. Defendant began leaving for lunch and returning in approximately one hour in a visibly different mood. M.H.C. staff observed Defendant accessing the locked Ketamine storage cabinet without apparent medical need;
 - c. Concerns over the missing Ketamine and Defendant's behavior led M.H.C. staff to confront Defendant in October 2021. Defendant admitted he had self-injected himself with Ketamine on two occasions, and promised this behavior would not continue;

- d. K.R. reported that on one occasion before Christmas, Defendant returned to the clinic after lunch and was visibly impaired. K.R. reported Defendant was loud, boisterous, and confused. Defendant had trouble staying on task with several patients and had to be redirected. K.R. also stated Defendant bumped into the wall several times while moving about the clinic, and there was no doubt in K.R.'s mind Defendant was impaired;
- e. After the pre-Christmas incident, M.H.C. staff confronted Defendant for a second time, and Defendant denied using Ketamine. C.C, the M.H.C. Business Manager, announced in Defendant's presence that video surveillance cameras would be installed to monitor the Ketamine storage cabinet. Subsequent surveillance footage later showed Defendant coming into the closed clinic, removing Ketamine from vials with a syringe, and attempting to restore the Ketamine vials to their original condition.

13. On March 15, 2022, a DHHS Investigator interviewed A.S., a nurse and M.H.C. medical staff member. A.S. echoed the information provided by K.R. regarding Defendant's diversion of Ketamine and practicing while impaired. In addition, A.S. provided photographs of Ketamine vials that showed obvious tampering and missing amounts of Ketamine. A.S. testified at the administrative hearing that she was responsible for conducting inventory checks of the clinic's Ketamine supply, and said checks consistently showed unexplained shortages of Ketamine over a period of several months.

14. On March 18, 2022, the United States Drug Enforcement Administration (DEA) conducted a controlled substances audit at M.H.C. The DEA concluded Defendant's records were inadequate to conduct a full audit. The DEA interviewed M.H.C. staff, who expressed their concerns that Defendant was self-medicating during his lunch breaks and returning to the clinic to treat patients. Defendant subsequently signed a "Surrender For Cause" of his DEA Certificate of Registration, whereby Defendant acknowledged he is not authorized to "order, manufacture, distribute, possess, dispense, administer, prescribe, or engage in any other activities with controlled substances..." The DEA subsequently learned Defendant attempted to obtain Ketamine for M.H.C. through another healthcare provider after Defendant surrendered his certificate. In addition, the DEA was unable to locate any prescription for the Ketamine and other drugs Defendant used to self-medicate. Defendant eventually told a DEA investigator he had obtained the Ketamine from M.H.C. inventory, and admitted to self-medicating with Midazolam, Ketamine, and Toradol. M.H.C. staff provided the DEA with surveillance footage taken of the Ketamine storage cabinet. A review

of the surveillance footage showed the Defendant removing Ketamine from the storage cabinet on multiple occasions after clinic hours and on weekends.

15. On March 21 and 22, 2022, Defendant underwent a comprehensive evaluation with the Multidisciplinary Comprehensive Assessment Program (MCAP) of Chicago Illinois. The MCAP Evaluation contained the following findings and information:

- a. Defendant was diagnosed with Anxiolytic, Sedative/Hypnotic Use Disorder-Severe and Alcohol Use Disorder-Moderate;
- b. When Defendant was asked about the DEA audit by the MCAP evaluators, Defendant admitted he had been diverting Ketamine and Midazolam from M.H.C.'s sharp containers;
- c. The MCAP evaluation concluded "Dr. Ali's use of IV ketamine, IV midazolam and IV Phenergan is not "treatment" for cervical stenosis or cervical radiculopathy, even with "spasm" "; and "The diagnosis of AUD [Alcohol Use Disorder] moderate is conservative, since Dr. Ali was not transparent about his use of alcohol...";
- d. Pursuant to the MCAP evaluation, Defendant provided a urine and body hair sample. Subsequent analysis of these samples tested positive for alcohol (at a level the evaluators characterized as "exorbitantly high") and ketamine;
- e. The MCAP evaluators advised Defendant to "immediately admit to a residential treatment program...and immediately refrain from the practice of medicine", and concluded "Maman Ali is not safe to practice medicine with reasonable skill and safety."

16. At the administrative hearing, Defendant testified to his background and medical training, as well as to his use of Ketamine in treating his patients. In Defendant's opinion, the current action is a "conspiracy" orchestrated by a former M.H.C. medical staff member. Defendant described himself as a caring physician who would never intentionally harm his patients. Defendant stated he used the missing Ketamine to treat patients after hours. In addition, Defendant testified he has not completed inpatient substance abuse treatment due to the high cost of said treatment, and denied being addicted to Ketamine. Defendant testified he injured his cervical spine due to a sports injury, and concedes he wrongly self-medicated his injury.

CONCLUSIONS OF LAW

Jurisdiction is based upon Neb. Rev. Stat. §§38-176 and 38-186. A credential to practice may be disciplined for "immoral or dishonorable conduct evidencing unfitness to practice the profession in this state". Neb Rev. Stat §38-178(2)(Cum. Supp. 2020). "Grossly immoral" and "dishonorable" conduct contemplates conduct that shows that a person guilty of it either is intellectually or morally incompetent to practice the profession or has committed an act or acts of a nature likely to jeopardize the interest of the public; it does not authorize revocation for trivial reasons or for a mere breach of the generally accepted ethics of the profession. *Poor v. State of Nebraska*, 266 Neb. 183, 663 N.W.2d 109 (2003).

The overwhelming weight of the evidence, including the credible and consistent testimony of multiple M.H.C. staff, voluminous documentary evidence, and testimony from law enforcement officials, shows Defendant has committed serious acts of a nature likely to jeopardize the interests of the public. Defendant's immoral and dishonorable conduct constitutes strong grounds for discipline.

A credential to practice may be disciplined for "abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance". Neb. Rev. Stat. §38-178(3) (Cum Supp. 2020). The State showed by clear and convincing evidence that Defendant has abused, and is dependent upon, Ketamine, a Controlled Substance. Although not alleged by the State, the evidence also firmly establishes Defendant has abused alcohol. Defendant's abuse and/or dependence on Ketamine constitutes grounds for discipline.

A credential to practice may be disciplined for conviction of a misdemeanor or felony under Nebraska law or federal law which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession. Neb. Rev. Stat. §38-178(5)(a) (Cum Supp. 2020).

The State proved by clear and convincing evidence that Defendant was convicted of one misdemeanor count of Driving Under the Influence of Alcohol on April 27, 2020. This misdemeanor conviction is rationally connected with Defendant's fitness or capacity to practice his profession because the conviction demonstrates a disregard for the law which makes it appear more likely that Defendant would be unwilling or unable to adhere to laws and regulations pertaining to the practice of his profession. *See Poor v. State of Nebraska*, 266 Neb. 183, 663 N.W.2d 110 (2003). Defendant's misdemeanor conviction therefore constitutes grounds for discipline.

A credential to practice may be disciplined for "practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability" Neb. Rev. Stat. §38-178(7) (Cum Supp. 2020).

The State proved by clear and convincing evidence that Defendant practiced while impaired, both at his clinic in Omaha and at a hospital in Iowa. Defendant's actions in this regard created a grave danger to his patients, and constitutes grounds for discipline.

A credential to practice may be disciplined for "violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act." Neb. Rev. Stat. §38-178(18) (Cum Supp. 2020). The Uniformed Controlled Substances Act makes it unlawful for any person to knowingly or intentionally "to acquire or obtain or to attempt to acquire or obtain possession of a controlled substance by theft, misrepresentation, fraud, forgery, deception, or subterfuge." Neb. Rev. Stat. §28-418(1)(c)(Reissue 2016).

The State proved by clear and convincing evidence, as demonstrated most clearly by the credible testimony of M.H.C. staff, video surveillance footage, M.H.C. Ketamine Tracking Reports, and Defendant's own statements, that Defendant knowingly acquired Ketamine and other Controlled Substances in violation of the Controlled Substances Act. Defendant's repeated violations of the Uniformed Controlled Substances Act constitutes grounds for discipline.

A credential may also be disciplined for "failure to file a report required by section...38-1,125..." Neb. Rev. Stat. §38-178(19) (Cum. Supp. 2020). Every credential holder shall, within thirty (30) days, report to the department the conviction of any misdemeanor or felony in this or any other jurisdiction. Neb. Rev.Stat. §38-1,125(1)(c)(vii) (Reissue 2016).

The State proved by clear and convincing evidence that Defendant failed to report his 2020 DUI conviction to DHHS as required by statute. Defendant's inexplicable failure in this regard constitutes grounds for discipline.

The practice of medicine is regulated under the Uniform Credentialing Act to protect the health and safety of Nebraska citizens. Neb. Rev. Stat. §38-103. "Upon the completion of any hearing held regarding discipline of a credential, the director may dismiss the action or impose any of the following sanctions: (1) Censure; (2) Probation; (3) Limitation; (4) Civil penalty; (5) Suspension; or (6) Revocation." Neb. Rev. Stat. §38-196 (Reissue 2016).

As has been previously discussed, the overwhelming weight of the evidence shows Defendant committed multiple serious violations constituting grounds for discipline. Defendant's actions created an unacceptable risk to his patients in particular, and to public safety in general. The evidence is clear that Defendant is unfit to safely practice medicine at this time. The Defendant's minimization and denial of his substance abuse issues, as well as his general refusal to acknowledge the seriousness of his conduct, is deeply concerning. In addition, Defendant's claim that he used Ketamine to treat patients after regular clinic hours is not credible, and this contention is contradicted by the evidence presented.

M.H.C. staff provided credible testimony as to Defendant's serious transgressions. However, these same witnesses, as well as a patient of Defendant, testified as to Defendant's past skill as a physician and his care for his patients. Suspension of Defendant's license is clearly warranted, but Defendant's past conduct as a physician weighs just barely against revocation at this time.

ORDER

Based upon the foregoing proposed Findings of Fact and Conclusions of Law, I recommend that the Defendant's license to practice as a physician in the State of Nebraska be **SUSPENDED** for a period of fifteen (15) months, effective June 1, 2022. The Temporary Suspension of Defendant's license shall remain in full force and effect until June 1, 2022. Reinstatement of Defendant's license at the end of the period of suspension shall NOT be automatic, but will be at the discretion of DHHS and upon approval of the Board of Medicine and Surgery. Prior to any potential reinstatement, Defendant must meet any terms or conditions that DHHS may reasonably propose.

Date: _____

5/25/22

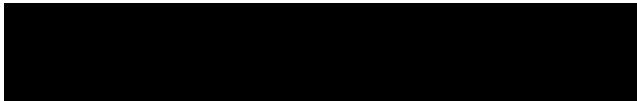

Robert E. Harkins, Hearing Officer

I hereby adopt the foregoing proposed Findings of Fact and Conclusions of Law and recommended Order in the above captioned proceedings as my official and final Order

IT IS SO ORDERED.

Date: _____

5-25-22


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

NOTICE

Pursuant to the Administrative Procedure Act, NEB. REV. STAT. § 84-901 *et seq.*, this decision may be appealed by filing a petition in the district court of the county where the action is taken within thirty days after the service of the final decision by the agency.

CERTIFICATE OF SERVICE

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

DR MAMAN ALI 13612 BURT STREET OMAHA NE 68154
MINDY LESTER ASSISTANT ATTORNEY GENERAL AGO.HEALTH@NEBRASKA.GOV

Date: May 26, 2022


DHHS Hearing Office
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2374
dhhs.hearingoffice@nebraska.gov

MAR 25 2022

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

DHHS Hearing Office

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

Plaintiff,

vs.

MAMAN LAWAN ALI, M.D.,

Defendant.

**ORDER FOR TEMPORARY
SUSPENSION OF LICENSE TO
PRACTICE AS A PHYSICIAN**

THIS MATTER came on for consideration before the Nebraska Department of Health and Human Services Division of Public Health Chief Medical Officer on Plaintiff's Petition for: Disciplinary Action and Temporary License Suspension ("Petition") and upon the affidavits in support of the request for temporary suspension. The Chief Medical Officer finds that there is reasonable cause to believe that grounds exist under Neb. Rev. Stat. §§ 38-183 (Reissue 2016) and 38-178 (2020 Cum. Supp.) for the suspension of the Defendant's license to practice as a physician on the basis that the Defendant's continued practice at this time would constitute an imminent danger to public health and safety.

IT IS THEREFORE ORDERED:

1. The license of the Defendant, Maman Lawan Ali, M.D., to practice as a physician is suspended effective upon service of this Order upon the Defendant in accordance with Neb. Rev. Stat. § 38-183 (Reissue 2016).

2. Pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2016), the hearing on the merits of the allegations of the Petition shall be held. A separate Notice of Hearing shall be issued by the Nebraska Department of Health and Human Services Division of Public Health to be served upon the Defendant along with the Order and the Petition. The


Defendant shall have the opportunity to appear and defend against the Petition at such time and place. The Defendant is further notified that he may present such witnesses and such evidence at said time and place as he may care to present in answer to the allegations of the Petition, and he may be represented by legal counsel at said hearing.

3. The investigative report and supporting documents attached to the affidavit of Mark Meyerson are hereby sealed and shall remain a non-public record pursuant to Neb. Rev. Stat. § 38-1,106 (Reissue 2016).

4. The Douglas County, Nebraska, Sheriff is appointed, pursuant to 184 NAC 006.01E, to personally serve the Defendant with copies of this Order and the Petition.

DATED this 25 day of March, 2022.

BY:

A black rectangular box redacting the signature of the Chief Medical Officer/Director.

Chief Medical Officer/Director
Division of Public Health
Nebraska Department of Health and Human Services

DHHS Hearing Office

STATE OF NEBRASKA ex rel. DOUGLAS)	
J. PETERSON, Attorney General,)	
)	
Plaintiff,)	
)	PETITION FOR: DISCIPLINARY
vs.)	ACTION AND TEMPORARY
)	LICENSE SUSPENSION
)	
MAMAN LAWAN ALI, M.D.,)	
)	
Defendant.)	

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 (Reissue 2016) and 38-183 and 38-186 (Reissue 2016).
2. At all times relevant herein, the Defendant, Maman Lawan Ali, M.D., has been the holder of a license (#25477) issued by the Department of Health and Human Services Division of Public Health ("Department") to practice as a physician.
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 recommendations to the Attorney General to file disciplinary proceedings against the Defendant's license to practice as a physician in Nebraska.
5. At all times relevant herein, the Defendant provided physician services at M.H.C., Omaha, Nebraska. The Defendant is the owner of M.H.C.

6. Defendant and M.H.C. provide primary care services to patients, including infusions of Ketamine, a Schedule III Controlled Substance, for the treatment of psychiatric disorders.

7. On April 2, 2020, the Defendant was found by law enforcement 'passed out' behind the wheel of his vehicle while the engine was running. A sworn law enforcement report states the Defendant failed three field sobriety tests, emanated a strong odor of alcohol, and had bloodshot eyes. He refused to complete a preliminary breath test.

8. Additional law enforcement records related to the April 2, 2020, incident indicate the Defendant's vehicle was witnessed by law enforcement at approximately 02:30 a.m. Law enforcement responded to the vehicle in the same parking lot at 3:50 a.m., at which time officers noted a Budweiser bottle in the middle console of the car and the Defendant passed out behind the wheel.

9. On April 23, 2020, a criminal complaint was filed against the Defendant in the County Court of Douglas County, Nebraska, Case No. CR 20-8677, which charged the Defendant with one misdemeanor count of Driving Under the Influence, 1st Offense, one misdemeanor count of Refusal to Submit to a Blood, Breath or Urine Test, and one misdemeanor count of Refusal to Submit to Preliminary Test, each for the incident which occurred on or about April 2, 2020.

10. On April 27, 2020, the Defendant was convicted of one count of misdemeanor Driving Under the Influence, 1st Offense, in the County Court of Douglas County, Nebraska, Case No. CR 20-8677. The remaining two charges were dismissed. The Defendant was sentenced to probation and ordered to complete a chemical

dependency evaluation. The Defendant failed to report this conviction to the Department as required by law.

11. On December 19, 2021, video surveillance at M.H.C., shows Defendant accessing the Ketamine storage outside of clinic hours.

12. On or about December 20, 2021, staff at M.H.C. held a meeting to discuss discrepancies of the Ketamine inventory and potential tampering of the inventory. These concerns were discussed with the Defendant.

13. On February 12, 2022, the Defendant was working at S.A.R.H., Carroll, Iowa. The Defendant was found in the on-call room with medications including Midazolam, Magnesium, Ketamine, Dexamethasone, Phenergan, and Toradol. Also found with the Defendant were a half-filled syringe and a butterfly needle. The Defendant was contacted by the Chief Medical Officer for S.A.R.H. and admitted to self-administering these medications in his neck via IV for "several months".

14. On February 15, 2022, the Omaha Fire Department responded to a 911 Call to a report of an unresponsive male in his car. Upon arrival, the person in distress was identified as the Defendant. The e-Narsis Report (Electronic Nebraska Ambulance Rescue Service Information System) provides the following:

- a. The Defendant was unresponsive, with altered mental status;
- b. The Defendant was described as "foaming at the mouth with a needle hanging out of his arm";
- c. Paramedics observed blood on the Defendant's left forearm from a needle puncture, blood on his shirt, and the keys to the vehicle in the ignition;
- d. A 10 ml syringe, lock tubing, and a butterfly needle were on the edge of the seat on Defendant's left side;

- e. Law enforcement responded to assist and located a hospital grade vial containing an unknown substance marked Magnesium Sulfate with the tamper proof cap removed; a multiple hospital grade vials of Diphenhydramine, an unmarked bottle containing seven – ten Vyvanse pills, a Schedule II Controlled Substance, and a “large amount of cash”;
- f. Emergency responders observed numerous “track marks and scar tissue over both arms”;
- g. The Defendant was not cooperative with emergency responders as he became more responsive; and
- h. The Defendant was transferred to the hospital for medical evaluation.

15. On February 15, 2022, the Omaha Police Department responded to 1401 N. 120th Street, Omaha, Nebraska, to a report of an overdose. Law enforcement records demonstrate the following:

- a. Witnesses at the scene found the Defendant’s vehicle running and the Defendant passed out behind the wheel, with a needle protruding from his arm;
- b. Witness A reported he heard the engine of the Defendant’s car rev as though the gas pedal were pressed to the floor. He approached the vehicle and observed the Defendant was shaking and his “eyes rolled back and his tongue hanging from the mouth.”;
- c. Law enforcement found Epinephrine, Adenosine, Amiodarone HCl, Vyvanse, Magnesium Sulfate, and Diphenhydramine in the Defendant’s vehicle;
- d. Law enforcement found approximately \$4,000 in cash in the Defendant’s vehicle;
- e. The Defendant advised law enforcement the pills in the unmarked bottle were probiotics;
- f. Law enforcement confirmed medication found in an unmarked bottle were 50 mg Vyvanse, not probiotics;
- g. The Defendant was transported to the hospital for medical evaluation;
- h. At the hospital, the Defendant submitted to sobriety testing conducted by a Drug Recognition Expert after transportation for medical services. The Drug

Recognition Expert opined the Defendant was impaired and was under the influence of Central Nervous System Depressants;

- i. The Defendant's preliminary breath test results indicated no evidence of alcohol use;
- j. The Defendant signed a consent to the collection and testing of his blood or urine by law enforcement. A urine sample was collected by law enforcement at 1853 hours;
- k. The Defendant was issued a citation for Driving Under the Influence of Drugs, 1st offense and his vehicle was impounded. This criminal matter is still pending.

16. The Defendant's urine sample, collected February 15, 2022, was submitted to the Nebraska State Patrol Crime Laboratory for analysis. The results were provided to a Department Investigator on March 23, 2022. The Defendant's sample yielded a positive result for Ketamine, Norketamine, Promethazine and alpha-hydroxy-Midazolam.

17. On February 23, 2022, M.H.C. Daily Ketamine Tracking Report demonstrates the facility was unable to account for approximately 400 mgs of Ketamine missing from the facility supply.

18. On February 24, 2022, M.H.C. Daily Ketamine Tracking Report demonstrates the facility was unable to account for approximately 250 mgs of Ketamine missing from the facility supply.

19. On or about March 15, 2022, Employee A, employed at M.H.C., was interviewed by a Department Investigator. Employee A advised:

- a. In approximately August 2021, Employee A and other employees noticed discrepancies in the ketamine inventory; such inventory discrepancies continued throughout 2021 and early 2022;
- b. The Defendant began leaving for lunch and returning in a visibly different mood;

- c. At a staff meeting in October, the Defendant was confronted about missing Ketamine and a change in his demeanor and admitted to using Ketamine via self-injection on two occasions;
- d. On one occasion prior to the Christmas holiday, the Defendant returned from lunch showing obvious signs of impairment. Employee A described the Defendant as loud, boisterous, and confused. The Defendant had trouble staying on task with patients and bumped into the wall several times while walking;
- e. The Defendant was confronted at a second staff meeting; and
- f. After the second meeting, the Defendant was observed on surveillance recording removing Ketamine with a syringe and restoring the containers to their original condition.

20. On or about March 15, 2022, Employee B, employed at M.H.C., was interviewed by a Department Investigator. Employee B advised:

- a. Employee B has witnessed the Defendant draw Ketamine out of a vial on multiple occasions in the late afternoon when there are no further patients scheduled;
- b. Employee B witnessed the Defendant practice impaired on two occasions;
 - i. On the first occasion, the Defendant was observed to lay on the floor with a child brought in for care; this behavior is described as out of character for the Defendant. The Defendant was confused and attempted to treat patients in rooms that were not there to seek care from the Defendant; the Defendant had difficulty speaking and pronouncing patient names;
 - ii. On the second occasion, on or about January 25, 2022, the Defendant returned from lunch approximately one hour late and displayed similar symptoms to the first incident. The Defendant began a Ketamine infusion for a patient which finished approximately 45 minutes earlier than anticipated. The patient experienced significant disorientation as a result; M.H.C. employees are unsure if the Defendant increased the dosage to catch up on patient load or incorrectly entered the dosage, because of his impairment;

21. On March 18, 2022, the Defendant signed a Surrender for Cause of DEA (the United States Drug Enforcement Administration) Certificate of Registration for his

registrations to prescribe controlled substances at M.H.C. and his registration in Ankeny, Iowa.

FIRST CAUSE OF ACTION

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

23. Neb. Rev. Stat. § 38-178(2) (Cum. Supp. 2020) provides that a professional license may be disciplined for immoral or dishonorable conduct evidencing unfitness to practice the profession in this state.

24. The Defendant's conduct as set forth above constitutes immoral or dishonorable conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

25. Paragraphs 1 through 21 are incorporated herein by this reference.

26. Neb. Rev. Stat. § 38-178(3) (Cum. Supp. 2020) provides that a professional license may be disciplined for abuse of, or dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance.

27. The Defendant's abuse of Ketamine, as set forth above is grounds for discipline.

THIRD CAUSE OF ACTION

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

29. Neb. Rev. Stat. § 38-178(18) (Cum. Supp. 2020) provides a professional license may be disciplined for violations of the Uniform Controlled Substances Act.

30. Neb. Rev. Stat. § 28-418(1)(c) (Reissue 2016) provides that it is unlawful for any person to knowingly or intentionally acquire or obtain possession of a controlled substance by theft, misrepresentation, fraud, forgery, deception, or subterfuge.

31. The Defendant's conduct above is a violation of the Uniform Controlled Substances Act and is grounds for discipline.

FOURTH CAUSE OF ACTION

32. Paragraphs 1 through 21 are hereby incorporated herein by reference.

33. Neb. Rev. Stat. § 38-178(7) (2020 Cum. Supp.) provides that a professional license may be disciplined for the practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability.

34. The Defendant's practice of the profession while impaired, as set forth herein above, is grounds for discipline.

FIFTH CAUSE OF ACTION

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

36. Neb. Rev. Stat. § 38-178(5)(a) (Cum. Supp. 2020) provides that a professional license may be disciplined for conviction of a misdemeanor or felony under Nebraska law or federal law which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession.

37. The Defendant's 2020 conviction is grounds for discipline.

SIXTH CAUSE OF ACTION

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

39. Neb. Rev. Stat. § 38-178(19) (Cum. Supp. 2020) provides that a professional license may be disciplined for failure to file a report as required section § 38-1,125 (Reissue 2016).

40. Neb. Rev. Stat. § 38-1,125(1)(c)(vii) (Cum. Supp. 2020) requires a licensed health professional to report the conviction of any misdemeanor or felony in this or any jurisdiction to the Department within thirty (30) days.

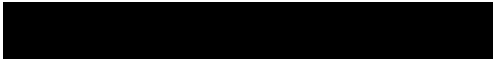
41. The Defendant's failure to report his 2020 conviction is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer temporarily suspend the Defendant's license to practice as a physician pursuant to Neb. Rev. Stat. § 38-183 (Reissue 2016), set this matter for hearing, enter an order for appropriate disciplinary action 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
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(402) 471-1815

Attorneys for the Plaintiff.