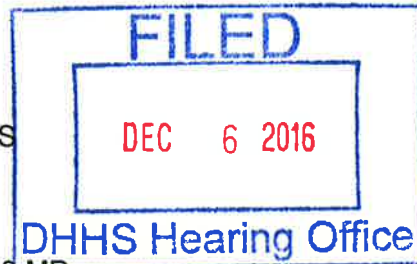


STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES



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

093880 MD


ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on November 28, 2016.

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 6 day of DECEMBER, 2016.


Thomas L. Williams, 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

COMES NOW the undersigned and certifies that on the 6th day of December, 2016, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent certified United States Mail, postage prepaid, return receipt requested to the Defendant, Bruce Bottlinger, 207 W 3rd St, Grand Island NE 68801 and by e-mail to Mindy Lester, Assistant Attorney General, ago.health@nebraska.gov.


DHHS Hearing Office
P.O. Box 95026
Lincoln, NE 68509-5026
P. (402) 471-4731 F. (402) 742-2374
dhhs.hearingoffice@nebraska.gov

7002 2410 0000 8566 9325

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

STATE OF NEBRASKA ex rel. DOUGLAS)	
J. PETERSON, Attorney General,)	
)	
Plaintiff,)	152297
)	
v.)	AGREED SETTLEMENT
)	
BRUCE BOTTLINGER, M.D.,)	
)	
Defendant.)	

Come now the Plaintiff, State of Nebraska, and the Defendant, Bruce Bottlinger, M.D., and in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Bruce Bottlinger, M.D., is the holder of a license to practice medicine and surgery (15311) issued 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 to Revoke Probation (hereinafter "Petition") 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 also waives any right to judicial review of a disciplinary order 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 is not licensed to practice as a physician in any state other than Nebraska.

6. The Defendant acknowledges that he has read the Petition filed by the Attorney General's Office and admits the allegations in the Petition.

7. The Plaintiff and the Defendant consent to the Department's Chief Medical Officer entering a final disciplinary order which a) finds that the allegations of the Petition for Disciplinary Action are true, b) finds that grounds exist to revoke the Defendant's license to practice medicine and surgery, and c) revokes the Defendant's license to practice medicine and surgery.

8. The Defendant acknowledges that the revocation of his license is for a minimum period of two (2) years and reinstatement of his license is at the discretion of the Department and upon approval of the Nebraska Board of Medicine and Surgery. *I do not wish to pursue future attempts at medical relicensure.* *BB 10/19/16*

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.

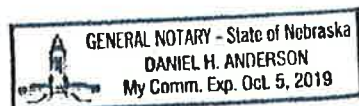
AGREED TO:

BY:

Bruce Bottlinger M.D.
Bruce Bottlinger, M.D.,
Defendant

State of Nebraska)
County of Adams) ss.

This Agreed Settlement is acknowledged before me by Bruce Bottlinger, M.D., Defendant, on this 16th day of November, 2016.



Daniel H. Anderson
Notary Public

My Commission Expires: 10/5/2019

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

BY: DOUGLAS J. PETERSON,
#18146
Attorney General

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

Attorneys for the Plaintiff.



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

STATE OF NEBRASKA ex rel. DOUGLAS J. PETERSON, Attorney General,)	
)	
Plaintiff,)	
)	
v.)	PETITION TO REVOKE PROBATION
)	
BRUCE BOTTLINGER, M.D.,)	
)	
Defendant.)	

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION:

1. At all times relevant herein, the Defendant, Bruce Bottlinger, M.D., has been the holder of a license (#15311) to practice medicine and surgery issued by the Department of Health and Human Services Division of Public Health ("Department").
2. On September 3, 2002, a Petition for Disciplinary Action was filed against the Defendant's physician license alleging the Defendant engaged in sexual misconduct with a patient, had an active dependence to alcohol and that the Defendant practiced the profession of medicine while his ability to practice was impaired by alcohol.
3. On December 4, 2002, after hearing on the September 3, 2002, Petition for Disciplinary Action, the Chief Medical Officer entered a Findings of Fact, Conclusions of Law and Order wherein the Chief Medical Officer found the allegations of the Petition to be true. The Chief Medical Officer suspended the Defendant's license to practice medicine and surgery for a period of one year, beginning retroactively on August 10, 2001, imposed a civil penalty of \$5,000.00, and ordered the Defendant to perform 100 hours of community service. The Chief Medical Officer further ordered the Defendant's license be

placed on probation for a period of three (3) years commencing on the date of the order and with certain terms and conditions as set forth therein, including that the Defendant shall abstain from the use of alcohol or substances containing alcohol and submit to random body fluid screens .

4. On August 24, 2005, an Amended Petition to Revoke Probation was filed against the Defendant's license to practice medicine and surgery alleging the Defendant had violated the conditions of probation as set forth in the December 4, 2002, Findings of Fact, Conclusion of Law and Order, in that the Defendant was arrested for Second Offense Driving Under the Influence, Refusal to Submit to a Breath Test and Resisting Arrest by the Nebraska State Patrol in April, 2005; the Defendant pled no contest to Driving Under the Influence Second Offense in July, 2005. The Petition further alleged the Defendant had failed to return phone calls to the Department's Credentialing Monitor on five (5) occasions.

5. On October 28, 2005 the Chief Medical Officer entered a Findings of Fact, Conclusions of Law, which held the Defendant had violated the terms of his probation. The Chief Medical Officer found the Defendant has "significant psychological and dependency issues. In the past, they have adversely affected his practice. While he has sought professional assistance for these conditions, they have yet to be resolved to an extent such as to allow the Director to feel comfortable in allowing Dr. Bottlinger to continuing practicing at this time." The Defendant's license was suspended for a period of two years.

6. In February, 2008, the Board of Medicine issued a Findings of Fact, Conclusions of Law and Notice of Intent to Recommend Reinstatement on Probation

wherein it recommended the Defendant's license to practice medicine and surgery be reinstated on probation for a period five (5) years.

7. On February 28, 2008, the Chief Medical Officer entered an Order Reinstating License on Probation, wherein the Defendant's physician license was reinstated on probation for a period of five (5) years with probationary conditions as recommended by the Board of Medicine and Surgery.

8. On October 29, 2009, a Petition to Revoke Probation was filed against the Defendant's license to practice medicine and surgery, alleging that he had violated Condition 5 of his probation, which required him to attend Alcoholics Anonymous or other chemical dependency support group meetings and to provide proof of attendance to the Department, by failing to provide proof of attendance since October 24, 2008. The Petition further alleged the Defendant had violated Condition 6 of his probation by failing to maintain a sponsor at all times and submit quarterly written verification of continued sponsorship since October 25, 2008.

9. On March 10, 2010, after hearing, the Chief Medical Officer entered a Findings of Fact, Conclusions of Law, wherein she found the Defendant had failed to abide by Conditions 5 and 6 of the 2008 probation and revoked his license to practice medicine and surgery.

10. On April 9, 2013, the Board of Medicine and Surgery entered a Findings of Fact, Conclusions of Law and Recommendation for Reinstatement on Probation wherein it recommended the Defendant's license to practice medicine and surgery be reinstated on probation for a period of five (5) years with conditions, including the requirement that

the Defendant abstain from the consumption of alcohol and from the personal use or possession of controlled substances.

11. On May 29, 2013, the Chief Medical Officer entered an Order approving the reinstatement of the Defendant's license to practice medicine and surgery subject to probation as recommended by the Board of Medicine and Surgery Findings of Fact, Conclusions of Law and Recommendation for Reinstatement on Probation dated April 9, 2013. The probationary terms include:

Condition 3: The Defendant shall submit to random body fluid alcohol and/or drug testing at his own expense and at such time and place as the Division of Public Health may direct;

Condition 5: The Defendant shall attend a minimum of two Alcoholics Anonymous or other chemical dependency support group meetings per week, unless more are recommended by his treatment provider. The Defendant must submit an attendance record to the Department on a quarterly basis;

Condition 6: The Defendant shall maintain an Alcoholics Anonymous or other chemical dependency support group sponsor at all times.

Condition 8: The Defendant shall remain actively engaged in psychotherapy with a licensed psychiatrist to include ongoing psychiatric assessment, treatment and medication management as the psychiatrist determines. The Defendant shall attend appointments as determined by the psychiatrist, except that he must attend a minimum of one appointment every three months.

Condition 14: The Defendant shall provide written notification, within seven (7) days of its occurrence, of any change in residence, employment, address or phone number and its effective date;

Condition 17: The Defendant shall promptly respond to all requests and inquiries by the Department concerning compliance with the terms and conditions of probation.

Condition 19: The Defendant shall pay any costs associated with insuring compliance with the probation, including for random body fluid screens.

12. The Defendant failed to report for random body fluid screen testing on June 14, 2016, August 2, 2016 and September 8, 2016.

13. The Defendant has failed to pay expenses related to body fluid screening and has an outstanding balance related to body fluid screening expenses.

14. The Defendant has failed to provide the Department verification of attendance at a minimum of two Alcoholics Anonymous or other chemical dependency support group meetings. The Defendant's most recent verification of attendance was received on January 1, 2016.

15. The Defendant has failed to maintain an Alcoholics Anonymous or other chemical dependency support group sponsor. The Defendant's most recent sponsor verification report was submitted to the Department on October 27, 2015.

16. The Defendant has failed to remain under the care of, and follow all treatment recommendations of his mental health providers. The last report submitted by the Defendant's mental health provider, Dr. M.S., was submitted on January 11, 2016.

17. The Defendant has failed to provide written notification to the Department within seven (7) days of any change in residence or address. In June, 2016, the Department was advised by the Hastings Police Department that the Defendant has moved to Grand Island, Nebraska.

18. The Defendant has failed to promptly respond to all requests and inquiries by the Department concerning compliance with the terms and conditions of probation. In June, 2016, the Department sent a certified letter to the Defendant which was returned unclaimed.

FIRST CAUSE OF ACTION

19. Paragraphs 1 through 18 are incorporated herein by reference.

20. Neb. Rev. Stat. § 38-178(20) (2015 Cum. Supp.) provides that a professional license may be disciplined for violating a department order.

21. The Defendant's failure to submit to random body fluid testing constitutes a violation of probationary Condition 3 which is grounds for discipline.

SECOND CAUSE OF ACTION

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

23. Neb. Rev. Stat. § 38-178(20) (2015 Cum. Supp.) provides that a professional license may be disciplined for violating a department order.

24. The Defendant's failure to pay expenses related to random body fluid testing constitutes a violation of probationary Conditions 3 and probationary Condition 19 which is grounds for discipline.

THIRD CAUSE OF ACTION

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

26. Neb. Rev. Stat. § 38-178(20) (2015 Cum. Supp.) provides that a professional license may be disciplined for violating a department order.

27. The Defendant's failure to provide verification of attendance at a minimum of two Alcoholics Anonymous or other chemical dependency support group meetings since January 1, 2016, constitutes a violation of probationary Condition 5 which is grounds for discipline.

FOURTH CAUSE OF ACTION

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

29. Neb. Rev. Stat. § 38-178(20) (2015 Cum. Supp.) provides that a professional license may be disciplined for violating a department order.

30. The Defendant's failure to maintain an Alcoholics Anonymous or other chemical dependency support group sponsor since October 27, 2015, constitutes a violation of probationary Condition 6 which is grounds for discipline

FIFTH CAUSE OF ACTION

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

32. Neb. Rev. Stat. § 38-178(20) (2015 Cum. Supp.) provides that a professional license may be disciplined for violating a department order.

33. The Defendant's failure to notify the Department of a change in his residence and address is a violation of probationary Condition 14 which is grounds for discipline.

SIXTH CAUSE OF ACTION

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

35. Neb. Rev. Stat. § 38-178(20) (2015 Cum. Supp.) provides that a professional license may be disciplined for violating a department order.

36. The Defendant's failure to remain under the care of, and follow all treatment recommendations of his mental health providers constitutes a violation of probationary Condition 8 which is grounds for discipline.

SEVENTH CAUSE OF ACTION

37. Paragraphs 1 through 36 are incorporated herein by reference.

38. Neb. Rev. Stat. § 38-178(20) (2015 Cum. Supp.) provides that a professional license may be disciplined for violating a department order.

39. The Defendant's failure to promptly respond to all requests and inquiries by the Department concerning compliance with the terms and conditions of probation constitutes a violation of probationary Condition 17 which is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-196 (Reissue 2008) 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
Mindy L. Lester, #24421
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-1815

Attorneys for Plaintiff.

June 4, 2013

Bruce Jay Bottlinger, MD
501 N Colorado AVE
Hastings, NE 68901

Dear Dr. Bottlinger:

Pursuant to the **ORDER** issued by the Chief Medical Officer on May 29, 2013, your license No. 15311 to practice medicine and surgery in the State of Nebraska is reinstated on probation.

Enclosed is your reissued wall license and a current license card. The reissued wall license and current license card have been imprinted with the term PROBATION to indicate the status of your license. This status became effective May 29, 2013 and will remain in effect until May 29, 2018, providing you comply with all the terms and conditions of the above referenced **ORDER**. The Licensure Unit will monitor your compliance with these terms.

Upon completion of your probationary period your wall license and a current license card that have not been imprinted with the term PROBATION will be returned to you.

If you have questions or concerns please contact Becky Wisell, Administrator, Office of Medical and Specialized Health, at (402) 471-4915.

Sincerely,



Helen L. Meeks, Administrator
Licensure Unit

HLM/vb

Enclosures: Reissued Original and wallet license documents
Cc: Probation Compliance Monitor

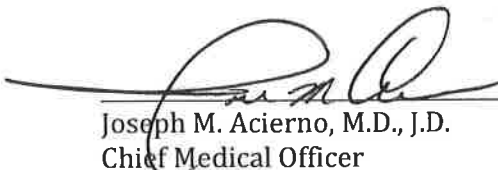
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION BY)
BRUCE JAY BOTTLINGER, MD FOR)
REINSTATEMENT OF A LICENSE) ORDER
TO PRACTICE MEDICINE AND SURGERY)

The matter came before the Director of the Division of Public Health on the Recommendation of the Board of Medicine and Surgery. The Director, having considered said Recommendation and all supporting documentation, hereby APPROVES the reinstatement of a license to practice medicine and surgery of Bruce Jay Bottlinger, MD, license number 15311 subject to probation as recommended by the Board of Medicine and Surgery Findings of Fact, Conclusions of Law and Recommendation for Reinstatement On Probation dated April 9, 2013.

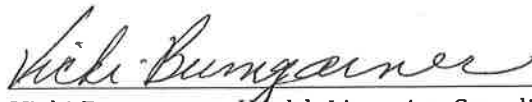
IT IS SO ORDERED.

DATED this 29 day of May, 2013.


Joseph M. Acierno, M.D., J.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of June, 2013 a true and correct copy of the foregoing ORDER was sent by certified United States mail, postage prepaid, return receipt requested to Bruce Jay Bottlinger, MD, 501 N Colorado AVE., Hastings, Nebraska 68901 and to Julie Agena, Assistant Attorney General, 2115 State Capitol, via interagency mail.


Vicki Bumgarner, Health Licensing Coordinator
Licensure Unit, Division of Public Health
Department of Health and Human Services



Division of Public Health

State of Nebraska
Dave Heineman, Governor

April 9, 2013

Bruce Jay Bottlinger, MD
501 North Colorado AVE
Hastings, NE 68901

CERTIFIED MAIL

Dear Dr. Bottlinger:

Enclosed is the Board of Medicine and Surgery's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION FOR REINSTATEMENT ON PROBATION.

If you do not accept the Board's recommendation, you may request a hearing before the Board of Medicine and Surgery. If you desire such hearing, a written request must be sent to the Board of Medicine and Surgery c/o Nebraska Department of Health and Human Services, Division of Public Health, Licensure Unit, PO Box 94986, Lincoln, NE 68509. Said request must be received within thirty (30) days of the date this letter was mailed. Upon receipt of said request, you will be sent a notice of the date, time and place of a hearing.

If you elect to accept the Board's recommendation, please complete the enclosed Request for Reinstatement and return it to me within thirty (30) days of receipt of the Board's herein enclosed decision. Upon receipt of this document the Director shall issue a decision on your request. The Director's decision shall be based upon a review of the record that has been established as this matter has been before the Board. The Director shall not hold a second hearing and her decision shall be sent to you in writing by certified mail.

If the Director affirms the recommendation of the Board, the Director shall enter an order to reinstate your license to practice medicine and surgery on probation, as recommended by the Board.

If the Director does not affirm the recommendation of the Board, the Director shall enter an order either denying reinstatement, or in the case of partial reinstatement, the Order will either deny or grant partial reinstatement of your license to practice medicine and surgery. If you do not accept the Director's decision, you may appeal to the district court in accordance with the Administrative Procedure Act, Neb. Rev. Stat. 84-917.

If you have questions regarding this matter, please contact me at (402) 471-4915.

Sincerely,

A handwritten signature in cursive script that reads "Becky Wisell".

Becky Wisell, Administrator
Office of Medical and Specialized Health

BW/vb

Enclosures

**BEFORE THE BOARD OF MEDICINE AND SURGERY
STATE OF NEBRASKA**

In the Matter of the Petition for	)	Findings of Fact,
Reinstatement of a License to Practice	)	Conclusions of Law and
Medicine and Surgery Following Revocation	)	Recommendation for
of Bruce Jay Bottlinger, MD.	)	Reinstatement On Probation

On January 25, 2013 at their regular meeting, and March 1, 2013 at a conference call meeting, the Board of Medicine and Surgery reviewed the Petition for Reinstatement of License to Practice Medicine and Surgery Following Revocation of Bruce Jay Bottlinger, MD. The Board considered the Petition and all supporting documentation.

FINDINGS OF FACT

The Board finds as follows:

1. Dr. Bottlinger's license discipline history in Nebraska dates back to August 10, 2001, is a matter of public record, and is incorporated herein by reference. The Findings of Fact Conclusions of Law and Order issued December 4, 2002, suspended Dr. Bottlinger's license for a period of one year, retroactively, beginning on August 10, 2001; assessed a civil penalty; ordered community service; and placed the license on probation for a period of three years. This action was based on Dr. Bottlinger's unprofessional conduct for sexual misconduct, his dependence on alcohol, and his practice of medicine and surgery while his ability to practice was impaired by alcohol.
2. The most recent disciplinary action concerning Dr. Bottlinger was the Findings of Fact Conclusions of Law and Order issued by the Chief Medical Officer March 31, 2010, which revoked Dr. Bottlinger's license to practice medicine and surgery.
3. Dr. Bottlinger submitted an Application for Reinstatement of License Following Disciplinary Action which was received in the Department of Health and Human Services, Division of Public Health (Department), on September 18, 2012.
4. According to Dr. Bottlinger's letter of September 13, 2012 in the Application for Reinstatement and the Findings of Fact Conclusions of Law and Order dated March 31, 2010, item 7, Dr. Bottlinger has not practiced medicine since his license was suspended November 4, 2005.

CONCLUSIONS OF LAW

The Board of Medicine and Surgery has jurisdiction over this matter pursuant to Neb. Rev. Stat. 38-149. Dr. Bottlinger has met the procedural requirements for consideration of reinstatement. This matter is properly before the Board for consideration on the merits of the Application for Reinstatement of License to Practice Medicine and Surgery.

RECOMMENDATION

The Board of Medicine and Surgery recommends reinstatement of the license of Bruce Jay Bottlinger, MD, on Probation for a period of five years from the date of reinstatement of the license with the following terms and conditions:

1. Dr. Bottlinger shall abstain from the consumption of alcohol and shall not consume products or medications containing alcohol, to include but not be limited to mouthwash and over the counter medications, such as cough syrups, unless prescribed by a physician or authorized licensed practitioner for a current diagnosed medical condition.
2. Dr. Bottlinger shall abstain from the personal use or possession of controlled substances, prescription drugs, and all other mood altering substances, unless prescribed by or administered by a licensed physician or authorized licensed practitioner for a diagnosed medical condition.
3. Dr. Bottlinger shall submit to random body fluid alcohol and/or drug testing at his own expense and at such time and place as the Department may direct.
4. Dr. Bottlinger shall report on a monthly basis any controlled substances and prescription drugs used by or administered to him.
5. Dr. Bottlinger shall attend a minimum of two Alcoholics Anonymous or other chemical dependency support group meetings per week, unless more are recommended by his treatment provider. Dr. Bottlinger must submit an attendance record to the Department on a quarterly basis.
6. Dr. Bottlinger shall maintain an Alcoholics Anonymous or other chemical dependency support group sponsor at all times.
7. Dr. Bottlinger shall advise all personal treating physicians and other treating practitioners, prior to treatment, of his diagnosis of alcohol dependence and of all medications he is taking at the time of treatment. Dr. Bottlinger shall authorize all treating physicians and other treating practitioners to inform the Department of all conditions for which he is being treated, including any drugs or medications, prescribed or over-the-counter, included in any treatment.
8. Dr. Bottlinger shall remain under the care of, and follow all treatment recommendations of his mental health practitioners.
9. Dr. Bottlinger shall assure that his treating mental health practitioners submit quarterly reports to the Department. These reports need to describe Dr. Bottlinger's diagnosis; treatment recommendations; compliance with treatment, including compliance with all medication recommendations; progress in treatment; and their assessment of Dr. Bottlinger's mental health status and ability to safely practice medicine and surgery.
10. Dr. Bottlinger shall assure that quarterly reports are submitted to the Department from all employers for whom he provides medical services. These reports need to describe his work habits, work-related performances, attendance, and evidence of continued abstinence from alcohol and unauthorized drugs.

11. Dr. Bottlinger's practice of medicine and surgery shall be supervised by a Practice Quality Monitor for a period of one year, commencing on the date he begins practicing medicine in Nebraska.

A. The Practice Quality Monitor must be approved by the Board of Medicine and Surgery in advance of commencement of practice in Nebraska. The Board of Medicine and Surgery has already approved Navdeep Sood, MD, to be your Practice Quality Monitor.

B. Dr. Bottlinger shall allow the Practice Quality Monitor access to all medical records to permit him to determine whether the care provided is within the accepted standard of care.

C. The Practice Quality Monitor shall conduct a retrospective review of the quality of care Dr. Bottlinger provides by reviewing all of the medical records for patients for whom Dr. Bottlinger provides care.

D. Dr. Bottlinger shall assure that the Practice Quality Monitor submits a report to the Board for the first three months of practice, and reports every three months thereafter for one year from the date he commences practicing medicine in Nebraska. Such reports shall:

- Address the quality of Dr. Bottlinger's clinical skills, which includes: i) the translation of medical knowledge into actual application in the clinical setting; and ii) technical abilities to perform procedures.
- Provide a description of each case reviewed, including whether, i) in his/her opinion, Dr. Bottlinger practiced medicine and charted the medical care in accordance with generally accepted medical practice standards; and ii) any instances where the Practice Quality Monitor determined that Dr. Bottlinger did not practice medicine or chart his medical care in accordance with generally accepted medical practice standards.
- Be due within the first ten days of the month following the three-month time frame being reported. The final report will be due not less than thirty days prior to the end of the probationary period.

12. Dr. Bottlinger shall provide notification of this disciplinary action to any employers for whom he provides medical services, any facility where he practices medicine and surgery, or has credentials to practice medicine and surgery, all practice partners or associates, and to any educational program of medicine in which he may enroll. Written confirmation of this notification shall be provided to the Department within thirty days of the reinstatement of license and within thirty days of any new employment, partners, facility privileges or educational programs of medicine.

13. Dr. Bottlinger shall provide notification of this disciplinary action to the licensing authority in any state where he has or may obtain a license or permit to practice medicine and surgery. Written confirmation of this notification shall be provided to the Department within thirty days of the reinstatement of license and within thirty days of licensure in another state.

14. Dr. Bottlinger shall provide written notification, within seven days of its occurrence, of any change in residence, employment, address or phone number and its effective date.

15. Dr. Bottlinger shall 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.

16. Dr. Bottlinger shall provide written authorizations requested by the Department for all records, information and reports concerning any alcohol, drug or chemical dependency treatment or counseling and any mental health treatment or therapy, including such forms of authorizations to permit the obtaining and use of records, information and reports by the Department and the Nebraska Attorney General in conformity with 42 CFR, Part 2.

17. Dr. Bottlinger shall promptly respond to all requests and inquiries by the Department concerning compliance with the terms and conditions of probation.

18. Dr. Bottlinger shall obey all state and federal laws and the rules and regulations regarding the practice of medicine and surgery. Any violations shall be reported to the Department within seven days.

19. Dr. Bottlinger shall pay any costs associated with insuring compliance with the probation to include costs of the random body fluid/chemical testing.

20. Any period that Dr. Bottlinger may hold an inactive Nebraska license or is not practicing medicine and surgery shall not reduce the probationary period or satisfy the terms and conditions of probation.

21. If Dr. Bottlinger practices or resides 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 his Nebraska license.

Dated: April 9th, 2013

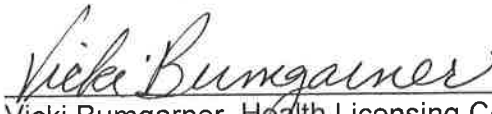
The Nebraska Board of Medicine & Surgery



Karen M. Higgins, MD, Chairman

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 9th day of April, 2013, a copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION FOR REINSTATEMENT ON PROBATION was sent by certified United States mail, postage prepaid, return receipt requested, to Bruce Jay Bottlinger, MD, 501 North Colorado AVE, Hastings, NE 68901-5251, and to Julie Agena, Assistant Attorney General, 2115 State Capitol, by interagency mail.



Vicki Bumgarner, Health Licensing Coordinator
Licensure Unit

Department of Health and Human Services, Licensure Unit
State of Nebraska

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.)
)
BRUCE BOTTLINGER, M.D.,)
)
Defendant.)

H09-3880

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

On October 29, 2009, a Petition to Revoke Probation was filed against Bruce Bottlinger, M.D. (Defendant). On November 12, 2009, a Notice of Hearing was issued setting forth the date, time and location for hearing on this matter. The Notice of Hearing set forth the appropriate statutes and regulations related to the hearing. On November 30, 2009, an Order on Motion to Continue was issued setting the hearing for January 20, 2010.

SUMMARY OF THE HEARING

The hearing was held on January 20, 2010. The State was represented by Assistant Attorney General Susan M. Ugai and Defendant failed to appear. Testimony was taken from Department Compliance Monitor, Ruth Schuldt, RN. In addition to the testimony, fifteen (15) exhibits were offered and received.

FINDINGS OF FACT

1. On December 4, 2002, the Chief Medical Officer (CMO) issued an Order which suspended Defendant's license retroactively for one year beginning August 10, 2001, assessed a \$5000 civil penalty, ordered Defendant to perform 100 hours of community service, and placed Defendant's license on probation for three years from the date of the order. The CMO disciplined Defendant for unprofessional conduct (sexual misconduct with a male patient), dependence on alcohol, and practicing while impaired.

2. On October 28, 2005, the CMO suspended Defendant's license for two (2) years from the date of the order. The CMO disciplined Defendant for violating the terms and conditions of probation by drinking alcohol resulting in a plea of no contest to Driving Under the Influence Second Offense.

3. On February 28, 2008, Defendant's license was reinstated on Probation for a period of (5) years from the date of reinstatement with the standard drug and alcohol terms and conditions. (Ex. 7). Condition #5 requires Defendant to attend a minimum of two (2) Alcoholics Anonymous or other chemical dependency support group meetings per week and to submit an attendance record to the Division of Public Health on a Quarterly basis. Condition #6 requires Defendant to maintain an Alcoholics Anonymous or other chemical dependency support group sponsor at all times. Condition #15 requires Defendant to provide reports, notices and documentation as directed by the Division of Public Health.

4. On March 6, 2008, the Division of Public Health Compliance Monitor provided detailed instructions to Defendant regarding compliance with the terms and conditions of his probation. In relevant part, she advised him that he was responsible to make sure written reports were submitted to the Division of Public Health regarding conditions #5 and #6 by the 10th day of January, April, July, and October during the period of his probation.

5. Defendant failed to ensure that the reports required by conditions #5 and #6 were submitted as required. The reports were not received after October 24, 2008. The Department provided reminders to Defendant on February 9, 2009, March 13, 2009, and May 18, 2009. (Ex. 10, 11 and 12). Nothing was received. On the day of the hearing, Defendant had the required reports delivered to the Compliance Monitor 45 minutes before the start time for the hearing.

6. Defendant provided a letter with his reports that were 15 months overdue. He stated he was not able to attend the hearing and that he had no defense for the late reports. He said he was doing well other than financial stress. He indicated he had applied for a DEA license and was trying to set up a practice.

7. The Compliance Monitor stated that Defendant has not practiced since his probation began on February 28, 2008. She said the purpose of the quarterly reports, that Defendant failed to submit for over a year, was to make sure that the Defendant was working a good program. It is so the Department can have real-time information with regard to Defendant's progress in overcoming his alcohol problem. When they are not submitted on time, the Department is unable to monitor his progress.

8. Defendant has had significant psychological and dependency issues but his treating physician stated in his December 2009 quarterly report that he is following treatment recommendations and overall he seems to be doing well. (Ex. 15).

9. Defendant's disciplinary problems with the Department are long standing and serious. They involve alcohol dependence, working impaired, sexual misconduct, a DUI conviction, and failure to follow the terms and conditions of probation. This was his third disciplinary hearing. Defendant has not practiced since his probation began. His failure to respond to the Department's reminders regarding his required reports and his failure to appear at his hearing show that he is not ready to accept the responsibility of the practice of medicine.

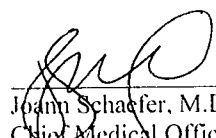
CONCLUSIONS OF LAW

Violations of the terms and conditions of probation constitute grounds for additional sanctions.

ORDER

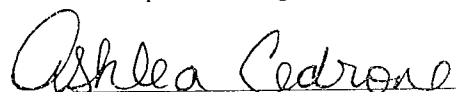
The license held by Defendant to practice Medicine and Surgery in the State of Nebraska is hereby revoked.

DATED this 31 day of March, 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 1st day of April, 2010, a copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** was sent by regular and certified United States mail, postage prepaid, return receipt requested, to, **Bruce Bottlinger, 501 N Colorado Ave., Hastings, NE 68901-5251** and by interagency mail to **Susan M. Ugai, Assistant Attorney General, 2115 State Capitol Building, Lincoln, Nebraska.**


Ashlea Cedrone
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

FILED

OCT 22 2008

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

Plaintiff,

vs.

BRUCE BOTTLINGER, M.D.,

Defendant.

PETITION TO REVOKE
PROBATION

LICENSURE UNIT

NOV 17 2008

RECEIVED

The Plaintiff alleges as follows:

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-183, 38-184, 38-186 (Reissue 2008), 71-150, and 71-1 132.29 (Reissue 2003).
2. The Defendant, Bruce Bottlinger, M.D., was issued a probationary medical license # 15311 by the Nebraska Department of Health and Human Services Division of Public Health ("Department") to practice as a physician in the State of Nebraska. The license is currently held by the Defendant.
3. The Department is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of medicine.
4. Under Condition 5 of his probation, Defendant is ordered to attend a minimum of (2) Alcoholics Anonymous or other chemical dependency support group meetings per week and to provide written proof of attendance to the Department.
5. Defendant has not submitted a report of support group meeting attendance since October 24, 2008, for the dates of March 8, 2008, through September 27, 2008. Reminder letters were sent to Defendant by the Credentialing Monitor on March 13, 2009, and May 18, 2009.

6. Defendant's conduct violates Condition 5 of his probation.

7. Under Condition 6 of his probation, Defendant is ordered to maintain a sponsor at all times, and his sponsor must submit quarterly written verification of continued sponsorship.

8. The last sponsor report for the Defendant was received on October 25, 2008. Reminder letters were sent to Defendant by the Credentialing Monitor on March 13, 2009, and May 18, 2009.

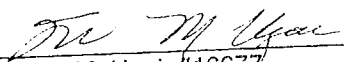
9. Defendant's conduct violates Condition 6 of his probation.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-155 (Reissue 2003), and tax the costs of this action to the Defendant.

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, NE 68509
(402) 471-2682

Attorneys for the Plaintiff.



Division of Public Health

Please reply to: Licensure Unit
PO Box 986, Lincoln, NE 68509-4986
Phone (402) 471-2118
FAX (402) 471-3577

State of Nebraska

Dave Heineman, Governor

February 29, 2008

Bruce Jay Bottlinger, MD
501 N Colorado AVE
Hastings, NE 68901-5251

Dear Dr. Bottlinger:

7005 1820 0005 4600 0844

Pursuant to the Order issued by the Director of the Department of Health and Human Division of Public Health on February 28, 2008, your license No. 15311 to practice medicine and surgery is reinstated.

Enclosed is a wall and wallet card which have been imprinted with the term Probation to indicate the status of your license. This status became effective February 28, 2008 and will remain in effect for a period of five (5) years, providing you comply with all the terms and conditions of the above-referenced Order. The Licensure Unit will monitor your compliance with these terms.

If you have any questions or concerns, please contact Becky Wisell, Section Administrator, at 402/471-4915.

Sincerely,

Helen L. Meeks, Administrator
Credentialing Division

HLM/vb

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

In the Matter of the Petition for	)	Order Reinstating
Reinstatement of a License to Practice	)	License on Probation
Medicine and Surgery Following Suspension)	
of Bruce Jay Bottlinger, MD.)	

This matter comes before the Director for consideration In the Matter of the Petition For Reinstatement of License to Practice Medicine and Surgery Following Suspension of Bruce Jay Bottlinger, MD, signed on the 8th day of February, 2008 by Bruce Jay Bottlinger, MD.

The Director, having reviewed the record of this case, finds that a license on probation should be granted in that:

1. The Board of Medicine and Surgery has given the Director its recommendation for reinstatement of license on probation;
2. All documents required to be submitted with the application have been submitted; and
3. The recommendations of the Board are consistent with the Nunc Pro Tunc Order issued November 4, 2005 and Neb. Rev. Stat. 71-161.04.

Accordingly, it is hereby

ORDERED that the license of Bruce Jay Bottlinger, MD be reinstated on Probation for a period of five (5) years from the date of reinstatement of the license with the following terms and conditions.

1. Dr. Bottlinger shall abstain from the consumption of alcohol and shall not consume products or medications containing alcohol, to include but not be limited to mouthwash and over the counter medications, unless prescribed by a physician.
2. Dr. Bottlinger shall abstain from the personal use or possession of controlled substances, and all other prescription drugs or mood altering substances, unless prescribed by or administered to him by a licensed physician or authorized licensed practitioner for a diagnosed medical condition. Dr. Bottlinger shall assure that the licensed practitioner sends the Division of Public Health a letter reporting the medical reason for the use of any controlled substance or prescription drug included in any treatment.
3. Dr. Bottlinger shall submit to random body fluid alcohol and/or drug testing at his own expense and at such time and place as the Division of Public Health may direct.
4. Dr. Bottlinger shall report on a monthly basis any controlled substances and prescription drugs used by or administered to him.
5. Dr. Bottlinger shall attend a minimum of two (2) Alcoholics Anonymous or other chemical dependency support group meetings per week, unless more are recommended by his treatment provider. Dr. Bottlinger must submit an attendance record to the Division of Public Health on a quarterly basis.

6. Dr. Bottlinger shall maintain an Alcoholics Anonymous or other chemical dependency support group sponsor at all times.

7. Dr. Bottlinger shall advise all personal treating physicians and other treating practitioners, prior to treatment, of his diagnosis of alcohol dependence and of all medications he is taking at the time of treatment. Dr. Bottlinger shall authorize all treating physicians and other treating practitioners to inform the Division of Public Health of all conditions for which he is being treated, including any drugs or medications, prescribed or over-the-counter, included in any treatment.

8. Dr. Bottlinger shall remain actively engaged in psychotherapy with a licensed psychiatrist to include ongoing psychiatric assessment, treatment and medication management as the psychiatrist determines. Dr. Bottlinger shall attend appointments as determined by the psychiatrist, except that he must attend a minimum of one appointment every three months.

9. Dr. Bottlinger shall assure that his treating psychiatrist submits quarterly reports to the Division of Public Health. These reports need to describe Dr. Bottlinger's diagnosis; treatment recommendations; compliance with treatment, including compliance with all medication recommendations; progress in treatment; and the psychiatrist's assessment of Dr. Bottlinger's mental health status and ability to safely practice medicine and surgery.

10. Dr. Bottlinger shall remain under the care of, and follow all treatment recommendations of a licensed psychologist or licensed mental health practitioner. Dr. Bottlinger shall attend appointments as determined by the psychologist or mental health practitioner, except that he must attend a minimum of one appointment every three months.

11. Dr. Bottlinger shall assure that his treating psychologist or licensed mental health practitioner submits quarterly reports to the Division of Public Health. These reports need to describe Dr. Bottlinger's diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and the psychologist's or mental health practitioner's assessment of Dr. Bottlinger's mental health status and ability to safely practice medicine and surgery.

12. Dr. Bottlinger shall provide notification of this disciplinary action to any employer(s) for whom he provides medical services, any facility where he practices medicine and surgery, or has credentials to practice medicine and surgery, all practice partners or associates, and to any educational program of medicine in which he may enroll. Written confirmation of this notification shall be provided to the Division of Public Health within thirty (30) days of the reinstatement of license and within thirty (30) days of any new employment, partners, facility privileges or educational programs of medicine.

13. Dr. Bottlinger shall provide notification of this disciplinary action to the licensing authority in any state where he has or may obtain a license or permit to practice medicine and surgery. Written confirmation of this notification shall be provided to the Division of Public Health within thirty (30) days of the reinstatement of license and within thirty (30) days of licensure in another state.

14. Dr. Bottlinger shall provide written notification, within seven (7) days of its occurrence, of any change in residence, employment, address or phone number and its effective date.

15. Dr. Bottlinger shall provide all reports, notices, and other documentation as directed by the Division of Public Health. If the Division of Public Health provides any particular form of report, reports must be made on such form.

16. Dr. Bottlinger shall provide written authorizations requested by the Division of Public Health for all records, information and reports concerning any alcohol, drug or chemical dependency treatment or counseling and any mental health treatment or therapy, including such forms of authorization to permit the obtaining and use of records, information and reports by the Department and the Nebraska Attorney General in conformity with 42 CFR, Part 2.

17. Dr. Bottlinger shall promptly respond to all requests and inquiries by the Division of Public Health concerning compliance with the terms and conditions of probation.

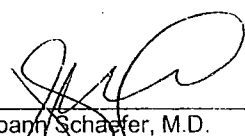
18. Dr. Bottlinger shall obey all state and federal laws and the rules and regulations regarding the practice of medicine and surgery. Any violations shall be reported to the Division of Public Health within seven (7) days.

19. Dr. Bottlinger shall pay any costs associated with insuring compliance with the probation, including for random body fluid screens.

20. Any period that Dr. Bottlinger may hold an inactive Nebraska license or is not practicing medicine and surgery shall not reduce the probationary period or satisfy the terms and conditions of probation.

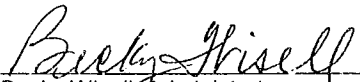
21. If Dr. Bottlinger practices or resides in a jurisdiction other than Nebraska, such practice or residency shall not serve to reduce or satisfy the probationary terms and conditions unless that jurisdiction adopts the probationary terms and conditions that are on his Nebraska license.

Dated: February 28, 2008


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 29th day of February, 2008, a copy of the foregoing Order Reinstating License on Probation was sent by certified United States mail, postage prepaid, return receipt requested, to Bruce Jay Bottlinger, MD, 501 North Colorado AVE, Hastings, NE 68901-5251, and to Susan Ugai, Assistant Attorney General, 2115 State Capitol, by interagency mail.


Becky Wisell, Administrator
Office of Medical & Specialized Health
Licensure Unit
Division of Public Health

**BEFORE THE BOARD OF MEDICINE AND SURGERY
STATE OF NEBRASKA**

In the Matter of the Petition for	)	Findings of Fact, Conclusions of
Reinstatement of a License to Practice	)	Law and Notice of Intent to
Medicine and Surgery Following Suspension	)	Recommend Reinstatement On
of Bruce Jay Bottlinger, MD.	)	Probation

On December 14, 2007, the Board of Medicine and Surgery reviewed the Petition for Reinstatement of License to Practice Medicine and Surgery Following Suspension by Bruce Bottlinger, MD. The Board considered the Petition and all supporting documentation.

FINDINGS OF FACT

The Board finds as follows:

1. Dr. Bottlinger's discipline history dates back to August 10, 2001, is a matter of public record, and is incorporated herein by reference. The Findings of Fact Conclusions of Law and Order issued December 4, 2002 suspended Dr. Bottlinger's license for a period of one year, retroactively, beginning on August 10, 2001; assessed a civil penalty; ordered community service; and placed the license on probation for a period of three years. This action was based on Dr. Bottlinger's unprofessional conduct for sexual misconduct; his dependence on alcohol; and his practice of medicine and surgery while his ability to practice was impaired by alcohol.
2. The most recent disciplinary action concerning Dr. Bottlinger was the Nunc Pro Tunc Order issued November 4, 2005 which revoked Dr. Bottlinger's probation for violation of his probation and imposed a suspension for a period of two years. The license is only to be reinstated after the period of suspension if Dr. Bottlinger satisfactorily demonstrates to the Board of Medicine and Surgery and to the Director that he has been addressing his emotional, psychological, and dependency issues during the period of suspension and that he no longer poses a threat to members of the public who might become his patients.
3. Dr. Bottlinger submitted a Petition for Reinstatement of License Following Suspension which was received in the Department of Health and Human Services, Division of Public Health on November 14, 2007. All required documentation to complete this application was also received.
4. The following documents were received in the Division of Public Health in support of Dr. Bottlinger's Petition for Reinstatement:
 - A. Certificate of completion of 8 hour Defensive Driving Course Attitudinal Dynamics of Driving presented by the National Safety Council on January 7, 2006;
 - B. Certificate of attendance at the Mothers Against Drunk Driving Victim Impact Panel on February 9, 2006;
 - C. Documentation of community service work completed at Good Will Industries in Grand Island, Nebraska;
 - D. Letter dated November 6, 2007 from Earl Umbenhower, Community Support Program Manager of Goodwill Industries of Nebraska. Mr. Umbenhower states that Dr. Bottlinger has performed over 200 hours of volunteer service for Goodwill and states that Dr. Bottlinger is working a program of recovery and is giving back to the community;

E. Letter dated November 8, 2007 from Navdeep Sood, MD, Medical Director, Mid Plains Center for Behavioral Health. Dr. Sood worked in the field of psychiatry with Dr. Bottlinger in the past and highly recommends that Dr. Bottlinger's medical license be reinstated;

F. Letter dated November 8, 2007 from Michael J. Sedlacek, MD. Dr. Sedlacek has been treating Dr. Bottlinger for Type II Bipolar Disorder and alcohol dependence and states that both of these disorders appear to be in remission. It is Dr. Sedlacek's professional recommendation that Dr. Bottlinger's license be reinstated as long as requirements for regular attendance at Alcoholics Anonymous and ongoing scheduled appointments for therapy and medication are in place to prevent future relapses.

G. Letter dated November 6, 2007 from Scott A. Dugan, President and CEO of Mid-Plains Center for Behavioral Healthcare Services. He states that he has worked with Dr. Bottlinger over the past two years and believes that he is capable of providing excellent care to individuals. He has no reservations or concerns professionally or personally that patients in his care would be subject to any harm and recommends his reinstatement.

H. Letter dated December 7, 2007 from Lee Wigert, PhD, Professor of Psychology, Hastings College. Dr. Wigert served as Dr. Bottlinger's therapist during the Fall of 2005, leading up to the time Dr. Bottlinger's license was suspended. Dr. Wigert states that he has not provided therapy to Dr. Bottlinger since the license suspension. Dr. Bottlinger told Dr. Wigert this was because he was unemployed and did not have insurance and that he plans to resume therapy once he is employed and is able to afford sessions. Dr. Wigert included a Summary of Treatment plan from November 1, 2005 which included the recommendation for weekly therapeutic sessions with Dr. Wigert

CONCLUSIONS OF LAW

The Board of Medicine and Surgery has jurisdiction over this matter pursuant to the Nunc Pro Tunc Order of November 4, 2005 and Neb. Rev. Stat. 71-161.04. The Petitioner has met the procedural requirements for consideration of reinstatement. This matter is properly before the Board for consideration on the merits of the Petition for Reinstatement of License to Practice Medicine and Surgery Following Suspension.

RECOMMENDATION

Based upon the foregoing, the Board of Medicine and Surgery hereby recommends reinstatement of the license of Bruce Jay Bottlinger, MD on Probation for a period of five (5) years from the date of reinstatement of the license with the following terms and conditions.

1. Dr. Bottlinger shall abstain from the consumption of alcohol and shall not consume products or medications containing alcohol, to include but not be limited to mouthwash and over the counter medications, unless prescribed by a physician.
2. Dr. Bottlinger shall abstain from the personal use or possession of controlled substances, and all other prescription drugs or mood altering substances, unless prescribed by or administered to him by a licensed physician or authorized licensed practitioner for a diagnosed medical condition. Dr. Bottlinger shall assure that the licensed practitioner sends the Division of Public Health a letter reporting the medical reason for the use of any controlled substance or prescription drug included in any treatment.
3. Dr. Bottlinger shall submit to random body fluid alcohol and/or drug testing at his own expense and at such time and place as the Division of Public Health may direct.

4. Dr. Bottlinger shall report on a monthly basis any controlled substances and prescription drugs used by or administered to him.

5. Dr. Bottlinger shall attend a minimum of two (2) Alcoholics Anonymous or other chemical dependency support group meetings per week, unless more are recommended by his treatment provider. Dr. Bottlinger must submit an attendance record to the Division of Public Health on a quarterly basis.

6. Dr. Bottlinger shall maintain an Alcoholics Anonymous or other chemical dependency support group sponsor at all times.

7. Dr. Bottlinger shall advise all personal treating physicians and other treating practitioners, prior to treatment, of his diagnosis of alcohol dependence and of all medications he is taking at the time of treatment. Dr. Bottlinger shall authorize all treating physicians and other treating practitioners to inform the Division of Public Health of all conditions for which he is being treated, including any drugs or medications, prescribed or over-the-counter, included in any treatment.

8. Dr. Bottlinger shall remain actively engaged in psychotherapy with a licensed psychiatrist to include ongoing psychiatric assessment, treatment and medication management as the psychiatrist determines. Dr. Bottlinger shall attend appointments as determined by the psychiatrist, except that he must attend a minimum of one appointment every three months.

9. Dr. Bottlinger shall assure that his treating psychiatrist submits quarterly reports to the Division of Public Health. These reports need to describe Dr. Bottlinger's diagnosis; treatment recommendations; compliance with treatment, including compliance with all medication recommendations; progress in treatment; and the psychiatrist's assessment of Dr. Bottlinger's mental health status and ability to safely practice medicine and surgery.

10. Dr. Bottlinger shall remain under the care of, and follow all treatment recommendations of a licensed psychologist or licensed mental health practitioner. Dr. Bottlinger shall attend appointments as determined by the psychologist or mental health practitioner, except that he must attend a minimum of one appointment every three months.

11. Dr. Bottlinger shall assure that his treating psychologist or licensed mental health practitioner submits quarterly reports to the Division of Public Health. These reports need to describe Dr. Bottlinger's diagnosis, treatment recommendations, compliance with treatment, progress in treatment, and the psychologist's or mental health practitioner's assessment of Dr. Bottlinger's mental health status and ability to safely practice medicine and surgery.

12. Dr. Bottlinger shall provide notification of this disciplinary action to any employer(s) for whom he provides medical services, any facility where he practices medicine and surgery, or has credentials to practice medicine and surgery, all practice partners or associates, and to any educational program of medicine in which he may enroll. Written confirmation of this notification shall be provided to the Division of Public Health within thirty (30) days of the reinstatement of license and within thirty (30) days of any new employment, partners, facility privileges or educational programs of medicine.

13. Dr. Bottlinger shall provide notification of this disciplinary action to the licensing authority in any state where he has or may obtain a license or permit to practice medicine and surgery. Written confirmation of this notification shall be provided to the Division of Public Health within thirty (30) days of the reinstatement of license and within thirty (30) days of licensure in another state.

14. Dr. Bottlinger shall provide written notification, within seven (7) days of its occurrence, of any change in residence, employment, address or phone number and its effective date.

15. Dr. Bottlinger shall provide all reports, notices, and other documentation as directed by the Division of Public Health. If the Division of Public Health provides any particular form of report, reports must be made on such form.

16. Dr. Bottlinger shall provide written authorizations requested by the Division of Public Health for all records, information and reports concerning any alcohol, drug or chemical dependency treatment or counseling and any mental health treatment or therapy, including such forms of authorizations to permit the obtaining and use of records, information and reports by the Department and the Nebraska Attorney General in conformity with 42 CFR, Part 2.

17. Dr. Bottlinger shall promptly respond to all requests and inquiries by the Division of Public Health concerning compliance with the terms and conditions of probation.

18. Dr. Bottlinger shall obey all state and federal laws and the rules and regulations regarding the practice of medicine and surgery. Any violations shall be reported to the Division of Public Health within seven (7) days.

19. Dr. Bottlinger shall pay any costs associated with insuring compliance with the probation, including for random body fluid screens.

20. Any period that Dr. Bottlinger may hold an inactive Nebraska license or is not practicing medicine and surgery shall not reduce the probationary period or satisfy the terms and conditions of probation.

21. If Dr. Bottlinger practices or resides 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 his Nebraska license.

Dated: February 6, 2008

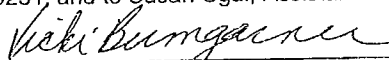
The Nebraska Board of Medicine & Surgery



Carl V. Smith, MD, Chairman

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 6th day of February, 2008, a copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND NOTICE OF INTENT TO RECOMMEND REINSTATEMENT ON PROBATION was sent by certified United States mail, postage prepaid, return receipt requested, to Bruce Jay Bottlinger, MD, 501 North Colorado AVE, Hastings, NE 68901-5251, and to Susan Ugai, Assistant Attorney General, 2115 State Capitol, by interagency mail.



Vicki Bumgarner, Health Licensing Coordinator
Licensure Unit
Department of Health and Human Services, Licensure Unit
State of Nebraska

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

CREDENTIALING DIVISION
4CB

NOV 21 2005

RECEIVED

69 - 020902

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

Plaintiff,

vs.

BRUCE BOTTLINGER, M.D.,

Defendant.

NUNC PRO TUNC ORDER

THE ORDER DATED OCTOBER 28, 2005 should read as follows where applicable.

CONCLUSIONS OF LAW

Violations of the terms and conditions of probation, as occurred here, constitute grounds for the revocation of probation and for the imposition of additional sanctions.

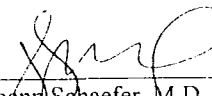
ORDER

The probation imposed on Dr. Bottlinger's license to practice medicine and surgery in the State of Nebraska in the order dated December 4, 2002 is hereby revoked.

The license held by Dr. Bottlinger to practice medicine and surgery in the State of Nebraska is hereby suspended for a period of two years effective on the date of receipt of this order. Dr. Bottlinger's license may only be reinstated after this period of suspension if he can satisfactorily demonstrate to the Board of Medicine and Surgery and to the Director that he has been addressing his emotional, psychological, and dependency issues during the period of suspension and that he no longer poses a threat to members of the public who might become his patients.

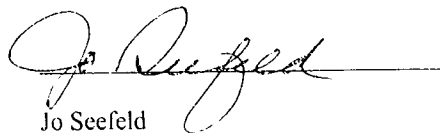
Dated this 21 day of November 2005.




Joann Schaefer, M.D., Chief Medical Officer
Director, HHS Regulation and Licensure

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of November, 2005, the forgoing **NUNC PRO TUNC ORDER** has been served upon the defendant by mailing a copy thereof through United States mail, first class postage prepaid, addressed to defendant's attorney, Mr. Richard L. Alexander, Attorney at Law, P.O. Box 2064, Hastings, Nebraska 68902-2064 and by interoffice mail to Terri J. Nutzman, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.



Jo Seefeld
HHS R & L Administrative Services
P.O. Box 95007
Lincoln NE 68509-5007
(402) 471-0384

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

FILED

NOV - 2 2005

NEBRASKA

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

69 - 020902

Plaintiff,

MOTION TO CLARIFY
DISCIPLINARY ORDER

v.

BRUCE BOTTLINGER, M.D.

Defendant.

Comes now the Plaintiff, State of Nebraska, by and through Terri J. Nutzman, Assistant Attorney General, and moves for an entry of an order clarifying the Disciplinary Order issued in the above-captioned matter. In Support of said Motion, Plaintiff states as follows:

1. On October 28, 2005, the Director issued Findings of Fact, Conclusion of Law and Order (hereinafter "Disciplinary Order") in the above captioned matter, a copy of which is attached hereto and incorporated by reference.
2. That the Conclusions of Law does not make a finding as to whether or not the allegations set forth in the Amended Petition to Revoke probation are true. If true, is the probation revoked?
3. That within the Discussion section of the Order the Director discusses the issue of giving the Defendant a period of suspension so that he can obtain a longer period of sobriety and more extensive psychological counseling before applying to the Board of Medicine and Surgery and to the Department for reinstatement after his period of suspension. That the actual language of the "Order" section as written allows for automatic reinstatement

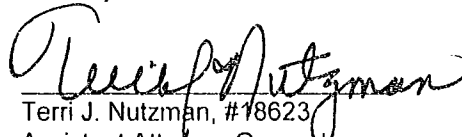
of the Defendant's medical license at the end of the two-year suspension without approval by the Board of Medicine and Surgery and at the discretion of the Department.

WHEREFORE, the Plaintiff, for the foregoing reasons, respectfully moves for an entry of an order clarifying the Disciplinary Order with respect to the issues outlined above.

Dated this 1st day of November, 2005.

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

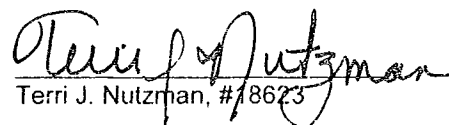
BY: JON BRUNING, #20351
Attorney General

BY: 
Terri J. Nutzman, #18623
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
402-471-3825

Attorneys for the Plaintiff,

CERTIFICATE OF SERVICE

Comes now the undersigned and certifies that on the 1st day of November, 2005, a copy of the foregoing **MOTION TO CLARIFY DISCIPLINARY ORDER** was sent by United States mail, postage prepaid, to Mr. Richard L. Alexander, Attorney at Law, P.O. Box 2064, Hastings, Nebraska 68902-2064.

BY: 
Terri J. Nutzman, #18623

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

CREDENTIALS DIVISION

OCT 21 2005

RECEIVED

69 - 020902

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

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

On August 24, 2005, an amended petition to revoke probation was filed against Dr. Bottlinger alleging that he had violated the terms and conditions of probation which was imposed upon his license on December 4, 2002. A hearing on those allegations was held before Hearing Officer Terry Schaaf on September 12, 2005. At that hearing, the State was represented by Assistant Attorney General Terri Nutzman and Dr. Bottlinger by Richard Alexander.

SUMMARY OF THE HEARING

At the hearing, testimony was taken from Department Probation Monitor Ruth Schuldt, RN; from Dr. Lee Wigert, Ph.D., Dr. Bottlinger's treating psychologist; from Thomas Peterson, Dr. Bottlinger's AA sponsor; from Rosemary Peterson, LMHP, wife of Thomas Peterson and a co-worker of Dr. Bottlinger; and from Dr. Bottlinger himself. In addition to the testimony, twenty (20) exhibits were offered and received.

FINDINGS OF FACT

1. A Petition for Disciplinary Action was filed against the Defendant's license on September 3, 2002, alleging sexual misconduct with a patient, alcohol dependency and practice of the profession while impaired.
2. On October 17, 2002, a hearing was held on the Petition for Disciplinary Action and on December 4, 2002, the Chief Medical Officer signed Findings of Fact Conclusion of Law and Order which placed the Defendant's license to practice medicine on probation for three (3) years.
3. Among the probation conditions imposed by the Order is condition 4. (a) which states that the Defendant shall abstain from the consumption of alcohol.
4. On April 9, 2005, the Defendant was arrested for Second Offense Driving Under the Influence; Refusal to Submit to a Preliminary Breath Test and Resisting Arrest by the Nebraska State Patrol.

5. On May 25, 2005, the Defendant's psychiatrist, Dr. M. S., M.D., reported to the Department that the Defendant "relapsed on one occasion to drinking alcohol resulting in a DUI which occurred last month".

6. The Department's Credentialing Monitor has left messages for the Defendant to call her since May 31, 2005, on five (5) different occasions and the Defendant has failed to return said calls.

7. Defendant's consumption of alcohol is a violation of Condition 4.(a) of his probation.

8. On July 27, 2005, the Defendant pled no contest to Driving Under the Influence Second Offense and is scheduled for sentencing on September 21, 2005.

9. On August 15, 2005, the Defendant was terminated from his place of employment at H. R. C. as a psychiatrist.

DISCUSSION

Dr. Bottlinger has significant psychological and dependency issues. In the past, they have adversely affected his practice. While he has sought professional assistance for these conditions, they have yet to be resolved to an extent such as to allow the Director to feel comfortable in allowing Dr. Bottlinger to continue practicing at this time. Therefore, Dr. Bottlinger's license is being suspended to give him a period of time in which to more completely address these issues, after which he can perhaps present a longer period of sobriety and more extensive psychological counseling to the Board and the Director as part of any request for reinstatement.

CONCLUSIONS OF LAW

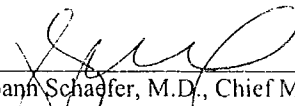
Violations of the terms and conditions of probation constitute grounds for additional sanction.

ORDER

The license held by Dr. Bottlinger to practice medicine and surgery in the State of Nebraska is hereby suspended for a period of two years beginning on the date of this order.

DATED this 28 day of October 2005.




Joann Schaefer, M.D., Chief Medical Officer
Director, HHS Regulation and Licensure

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 24th day of October, 2005, a copy of the foregoing **FINDINGS OF FACT/ CONCLUSIONS OF LAW AND ORDER** was sent by certified United States mail, postage prepaid, return receipt requested, to Mr. Richard L. Alexander, Attorney at Law, P.O. Box 2064, Hastings, Nebraska 68902-2064 and by interagency mail to Terri J. Nutzman, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.

BY: 

Jo Seefeld
HHS R & L Administrative Services
P.O. Box 95007
Lincoln NE 68509-5007
(402) 471-0384

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

FILED

AUG 24 2005

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

Plaintiff,

v.

BRUCE BOTTLINGER, M.D.,

Defendant.

AMENDED
PETITION TO REVOKE
PROBATION

CREDENTIALING DIVISION

AUG 24

RECEIVED

The Plaintiff alleges as follows:

1. A Petition for Disciplinary Action was filed against the Defendant's license on September 3, 2002, alleging sexual misconduct with a patient, alcohol dependency and practice of the profession while impaired.
2. On October 17, 2002, a hearing was held on the Petition for Disciplinary Action and on December 4, 2002, the Chief Medical Officer signed Findings of Fact Conclusion of Law and Order which placed the Defendant's license to practice medicine on probation for three (3) years.
3. Among the probation conditions imposed by the Order is condition 4. (a) which states that the Defendant shall abstain from the consumption of alcohol.
4. On April 10, 2005, the Defendant was arrested for Second Offense Driving Under the Influence; Refusal to Submit to a Preliminary Breath Test and Resisting Arrest by the Nebraska State Patrol.

5. On May 25, 2005, the Defendant's psychiatrist, Dr. M. S., M.D., reported to the Department that the Defendant "relapsed on one occasion to drinking alcohol resulting in a DUI which occurred last month".

6. The Department's Credentialing Monitor has left messages for the Defendant to call her since May 31, 2005, on five (5) different occasions and the Defendant has failed to return said calls.

7. Defendant's consumption of alcohol is a violation of Condition 4.(a) of his probation.

8. On July 27, 2005, the Defendant pled no contest to Driving Under the Influence Second Offense and is scheduled for sentencing on September 21, 2005.

9. On August 15, 2005, the Defendant was terminated from his place of employment at H. R. C. as a psychiatrist.

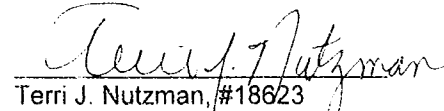
PRAYER

WHEREFORE, the Plaintiff requests that the Director set this Amended Petition to Revoke Probation for hearing and enter an order for appropriate disciplinary action pursuant to Neb. Rev. Stat. Section 71-155, 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:

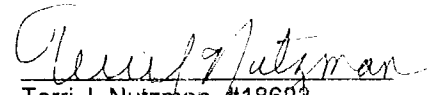

Terri J. Nutzman, #18623
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
402-471-9658

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

On August 23, 2005, a true and correct copy of the foregoing Amended Petition To Revoke Probation was sent by U. S. Mail, postage prepaid to Mr. Richard L. Alexander, Attorney at Law, P.O. Box 2064, Hastings, Nebraska 68902-2064, attorney for the Defendant.

By:


Terri J. Nutzman, #18623

34-1418 1-14

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

JUN 27 2005

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

Plaintiff,

v.

BRUCE BOTTLINGER, M.D.,

Defendant.

HHS REGULATION
AND LICENSURE

PETITION TO REVOKE
PROBATION

The Plaintiff alleges as follows:

1. A Petition for Disciplinary Action was filed against the Defendant's license on September 3, 2003 alleging sexual misconduct with a patient, alcohol dependency and practice of the profession while impaired.
2. On October 17, 2002, a hearing was held on the Petition for Disciplinary Action and on December 4, 2002, the Chief Medical Officer signed Findings of Fact Conclusion of Law and Order which placed the Defendant's license to practice medicine on probation for three (3) years.
3. Among the probation conditions imposed by the Order is condition 4. (a) which states that the Defendant shall abstain from the consumption of alcohol.
4. On April 10, 2005, the Defendant was arrested for Second Offense Driving Under the Influence; Refusal to Submit to a Preliminary Breath Test and Resisting Arrest by the Seward County Sheriff's Department.

5. On May 25, 2005, the Defendant's psychiatrist, Dr. M. S., M.D., reported to the Department that the Defendant "relapsed on one occasion to drinking alcohol resulting in a DUI which occurred last month".

6. The Department's Credentialing Monitor has left messages for the Defendant to call her since May 31, 2005, on five (5) different occasions and the Defendant has failed to return said calls.

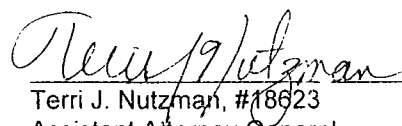
7. Defendant's consumption of alcohol is a violation of Condition 4.(a) of his probation.

PRAYER

WHEREFORE, the Plaintiff requests that the Director set this Petition to Revoke Probation for hearing and enter an order for appropriate disciplinary action pursuant to Neb. Rev. Stat. Section 71-155, 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: 
Terri J. Nutzman, #18623
Assistant Attorney General
2115 State Capitol
Lincoln, Nebraska 68509
402-471-9658

ATTORNEYS FOR PLAINTIFF.

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

**STATE OF NEBRASKA ex rel.,
DON STENBERG, Attorney General,**

Plaintiff,

v.

BRUCE BOTTLINGER, M.D.

Defendant

69 - 20902

**) FINDINGS OF FACT
) CONCLUSIONS OF LAW AND ORDER
)
)
)
)**

A Petition for Disciplinary Action was filed against Dr. Bottlinger on September 3, 2002. That petition alleged that he had engaged in unprofessional conduct with a patient which constituted grounds for disciplinary action and that he had an active dependence upon alcohol and had practiced while impaired by alcohol, both of which would constitute grounds for discipline. A hearing on those allegations was held before Hearing Officer Terry R. Schaaf on October 17, 2002. At that hearing the state was represented by Deputy Attorney General James Smith and Dr. Bottlinger by Paula Wilson.

SUMMARY OF THE HEARING

At the hearing testimony was taken from the patient in question M. M.; from Byron Tyler, an alcohol and drug abuse counselor; from Barbara Remmers, an investigator with the Department and from Dr. Bottlinger. In addition to the testimony thirty-one (31) exhibits were offered. In light of the objections made by counsel for Dr. Bottlinger to Exhibits 13, 30 and 31 these exhibits were not considered by the Chief Medical Officer.

FINDINGS OF FACT

1. Jurisdiction is based on Neb. Rev. Stat. § 71-150.
2. At all times relevant herein, the Defendant Bruce Jay Bottlinger, M.D., has been the holder of a license (# 15311) issued by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department") to practice medicine and surgery.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery has considered the investigation of this matter and made its recommendation to the Attorney General. The Board, however, was not informed that plaintiff was undergoing pharmaceutical treatment and counseling for a diagnosis of manic depressive disorder.

Nebraska
Regulating Division

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5. At all times relevant herein, Dr. Bottlinger has practiced the medical specialty of psychiatry. However, since July 28, 2001, Dr. Bottlinger has not actively practiced medicine of any nature in Nebraska due to a self-imposed suspension pending the Board of Medicine and Surgery recommendation and the outcome of this case.
6. From January 10, 2000, until August 10, 2001, Dr. Bottlinger was employed as a psychiatrist by AHI Medical Center in Omaha, Nebraska.
7. On December 1, 2000, Dr. Bottlinger went to AHI Medical Center to do rounds after consuming alcohol. While at AHI Medical Center, Dr. Bottlinger lost his temper and yelled at a nurse.
8. After yelling at the nurse, Dr. Bottlinger was approached by other physicians and requested to consent to a breath alcohol test.
9. At 5:55 p.m. on December 1, 2000, a breath alcohol test was performed on Dr. Bottlinger at AHI Medical Center, which test result determined an alcohol content of .078.
10. From December 10 through December 22, 2000, Dr. Bottlinger underwent in-patient assessment and treatment at a treatment facility in Kansas.
11. After discharge from in-patient treatment, Dr. Bottlinger returned to medical practice at AHI Medical Center. Dr. Bottlinger's employment was subject to employment conditions requiring abstinence and periodic body fluid screens.
12. Beginning at the end of January, 2001, Dr. Bottlinger established a physician-patient relationship with Male Patient MM. Dr. Bottlinger diagnosed Male Patient MM with depression and anxiety during an initial psychiatric examination. Thereafter, Dr. Bottlinger's treatment of Male Patient MM consisted primarily of prescribing psychotropic medications with periodic medication checks.
13. During one office visit, Dr. Bottlinger invited Male Patient MM to go to an antique sale. Male Patient MM accepted the invitation and accompanied Dr. Bottlinger to the sale.
14. Thereafter, pursuant to Dr. Bottlinger's invitations, Male Patient MM accompanied him to additional antique sales.
15. On July 28, 2001, Male Patient MM had breakfast in a restaurant with Dr. Bottlinger. During breakfast, Dr. Bottlinger invited Male Patient MM to accompany him to a medical convention in Boston. At some point after breakfast, Male Patient MM dropped Dr. Bottlinger off at his apartment with the agreement that Male Patient MM would return later for dinner and a movie.
16. Later in the day of July 28, 2001, Male Patient MM picked up Dr. Bottlinger as previously agreed. Dr. Bottlinger and Male Patient MM had dinner at a restaurant in Omaha, during which time Dr. Bottlinger consumed alcoholic liquor.
17. After dinner, Dr. Bottlinger and Male Patient MM returned to Dr. Bottlinger's apartment to watch a movie.
18. During the course of watching the movie in Dr. Bottlinger's apartment, Dr. Bottlinger sat on the floor next to Male Patient MM. Dr. Bottlinger proceeded to rub Male Patient MM's chest, kiss Male Patient MM, and place Dr. Bottlinger's hand down Male Patient MM's pants. Dr. Bottlinger discontinued touching Male Patient MM after Male Patient MM informed Dr. Bottlinger that he did not feel comfortable.

19. The following Monday, Male Patient MM reported Dr. Bottlinger's conduct to Male Patient MM's therapist, who reported Dr. Bottlinger's conduct to the administration at AHI Medical Center.
20. On August 10, 2001, AHI Medical Center terminated Dr. Bottlinger's employment for cause.
21. Section 8.14 of the Code of Ethics of the American Medical Association provides as follows:
Sexual contact that occurs concurrent with the physician-patient 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.
23. The Defendant's conduct with Male Patient MM on July 28, 2001, constituted sexual misconduct contrary to the ethics of his profession.
24. The Defendant's sexual misconduct with Male Patient MM constituted "unprofessional conduct" as defined by the following statutory provisions:
 - a. Neb. Rev. Stat. § 71-148: "any departure from or failure to conform to . . . the ethics of the profession";
 - b. Neb. Rev. Stat. §71-148(18): "commission of any act of sexual . . . misconduct . . . related to the practice of the profession".
25. The Hearing Officer in this case made no recommendation as to the ultimate disposition and his comments made on the record concerning Dr. Bottlinger's trial strategy were not considered by the Chief Medical Officer in reaching the conclusions set out herein.

CONCLUSIONS OF LAW

1. Dr. Bottlinger's "unprofessional conduct" is grounds for disciplinary action pursuant to Neb. Rev. Stat. § 71-147(10).
2. Dr. Bottlinger's dependence on alcohol constitutes grounds for disciplinary action pursuant to Neb. Rev. Stat. § 71-147(3).
3. Dr. Bottlinger practiced the profession of medicine while his ability to practice was impaired by alcohol, which is grounds for disciplinary action pursuant to Neb. Rev. Stat. §71-147 (6).

ORDER

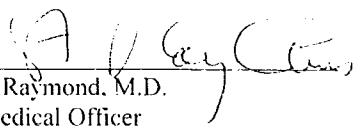
1. Dr. Bottlinger's license to practice medicine and surgery in the State of Nebraska is hereby suspended retroactively for a period of one year beginning on August 10, 2001.
2. Dr. Bottlinger is assessed a civil penalty in the amount of \$5000 payable within 90 days of the date of this Order.
3. Dr. Bottlinger is ordered to perform 100 hours of community service within 18 months of the date of this Order. The community service should be performed by working with troubled youth, counseling them on the dangers of abusing alcohol and other mood

altering substances. The forum for the performance of whatever specific community service Dr. Bottlinger chooses to perform must be approved by the Board of Medicine and Surgery in advance of its being instigated.

4. Dr. Bottlinger's license to practice medicine and surgery is hereby placed upon probation for a period of three (3) years commencing on the date of this order subject to the following terms and conditions:
- a) Dr. Bottlinger shall abstain from the consumption of alcohol.
 - b) Dr. Bottlinger shall be subject to random body fluid or chemical testing at his own expense at such time and place as the Department may direct.
 - c) Dr. Bottlinger shall follow the instructions and directives of the Department for this body fluid or chemical testing.
 - d) Within 30 days of the date of this Order Dr. Bottlinger shall submit the name of a psychiatrist who will be treating him for his manic depressive disorder for the approval of this psychiatrist by the Board of Medicine and Surgery. The psychiatrist selected must agree to submit semi-annual reports to the Board concerning Dr. Bottlinger's compliance with the psychiatrist's treatment recommendations and his compliance with all directions concerning medications prescribed by the psychiatrist for the treatment of this condition.
 - e) Dr. Bottlinger shall submit written notification to the Department within seven (7) days of any change in residence or telephone.
 - f) In the event Dr. Bottlinger violates any of the above terms of probation the Chief Medical Officer, after motion by the Attorney General and hearing, may take care further disciplinary action including the revocation of Dr. Bottlinger's license.

DATED this 4th day of December, 2002.




Richard Raymond, M.D.
Chief Medical Officer

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

FILED

SEP - 3 2002

**HHS REGULATION
AND LICENSURE**

**PETITION FOR
DISCIPLINARY ACTION**

STATE OF NEBRASKA,

Plaintiff,

v.

BRUCE JAY BOTTLINGER, M.D.,

Defendant.

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on Neb. Rev. Stat. § 71-150.
2. At all times relevant herein, the Defendant Bruce Jay Bottlinger, M.D., has been the holder of a license (# 15311) issued by the Nebraska Department of Health and Human Services Regulation and Licensure ("Department") to practice medicine and surgery.
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Licensing Law regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery has considered the investigation of this matter and made its recommendation to the Attorney General to file disciplinary proceedings against the Defendant's license to practice medicine and surgery.
5. At all times relevant herein, the Defendant has practiced the medical specialty of psychiatry.

6. From January 10, 2000, until August 10, 2001, the Defendant was

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Credentialing Division

SEP 10 2002

Dept. Health & Human Service
Regulation & Licensure

employed as a psychiatrist by AHI Medical Center in Omaha, Nebraska.

7. On December 1, 2000, the Defendant went to AHI Medical Center to do rounds after consuming alcohol. While at AHI Medical Center, the Defendant lost his temper and yelled at a nurse.

8. After yelling at the nurse, the Defendant was approached by other physicians and requested to consent to a breath alcohol test.

9. At 5:55 p.m. on December 1, 2000, a breath alcohol test was performed on the Defendant at AHI Medical Center, which test result determined an alcohol content of .078.

10. From December 10 through December 22, 2000, the Defendant underwent in-patient assessment and treatment at a treatment facility in Kansas.

11. After discharge from in-patient treatment, the Defendant returned to medical practice at AHI Medical Center. The Defendant's employment was subject to employment conditions requiring abstinence and periodic body fluid screens.

12. Beginning at the end of January, 2001, the Defendant established a physician-patient relationship with Male Patient MM. The Defendant diagnosed Male Patient MM with depression and anxiety during an initial psychiatric examination. Thereafter, the Defendant's treatment of Male Patient MM consisted primarily of prescribing psychotropic medications with periodic medication checks.

13. During one office visit, the Defendant invited Male Patient MM to go to an art exhibition and sale. Male Patient MM accepted the invitation and accompanied the Defendant to the art exhibition and sale.

14. Thereafter, pursuant to the Defendant's invitations, Male Patient MM

accompanied the Defendant to additional art exhibitions and sales.

15. On July 28, 2001, Male Patient MM had breakfast in a restaurant with the Defendant. During breakfast, the Defendant invited Male Patient MM to accompany the Defendant to a medical convention in Boston at the Defendant's expense. At some point after breakfast, Male Patient MM dropped the Defendant off at the Defendant's apartment with the agreement that Male Patient MM would return later for dinner and a movie.

16. Later in the day of July 28, 2001, Male Patient MM picked up the Defendant as previously agreed. The Defendant and Male Patient MM had dinner at the French Café restaurant in Omaha, during which time the Defendant consumed alcoholic liquor.

17. After dinner, the Defendant and Male Patient MM returned to the Defendant's apartment to watch a movie.

18. During the course of watching the movie in the Defendant's apartment, the Defendant sat on the floor next to Male Patient MM. The Defendant proceeded to rub Male Patient MM's chest, kiss Male Patient MM, and place the Defendant's hand down Male Patient MM's pants. The Defendant discontinued touching Male Patient MM after Male Patient MM informed the Defendant that Male Patient MM did not feel comfortable.

19. The following Monday, Male Patient MM reported the Defendant's conduct to Male Patient MM's therapist, who reported the Defendant's conduct to the administration at AHI Medical Center.

20. On August 10, 2001, AHI Medical Center terminated the Defendant's employment for cause.

FIRST CAUSE OF ACTION

21. Paragraphs 1 through 20 are incorporated by reference.

22. Section 8.14 of the Code of Ethics of the American Medical Association provides as follows:

Sexual contact that occurs concurrent with the physician-patient 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.

23. The Defendant's conduct with Male Patient MM on July 28, 2001, constituted sexual misconduct contrary to the ethics of his profession.

24. The Defendant's sexual misconduct with Male Patient MM constituted "unprofessional conduct" as defined by the following statutory provisions:

- a. Neb. Rev. Stat. § 71-148: "any departure from or failure to conform to . . . the ethics of the profession";
- b. Neb. Rev. Stat. § 71-148(18): "commission of any act of sexual . . . misconduct . . . related to the practice of the profession".

25. The Defendant's "unprofessional conduct" is grounds for disciplinary action pursuant to Neb. Rev. Stat. § 71-147(10).

SECOND CAUSE OF ACTION

26. Paragraphs 1 through 20 are incorporated by reference.

27. During April and May, 2002, the Defendant underwent outpatient chemical dependency treatment for a diagnosis of alcohol dependency.

28. The Defendant has an active dependence to alcohol.

29. The Defendant's dependence constitutes grounds for disciplinary action pursuant to Neb. Rev. Stat. § 71-147(3).

THIRD CAUSE OF ACTION

30. Paragraphs 1 through 20 are incorporated by reference.

31. On December 1, 2000, the Defendant practiced the profession of medicine while his ability to practice was impaired by alcohol, which is grounds for disciplinary action pursuant to Neb. Rev. Stat. § 71-147(6).

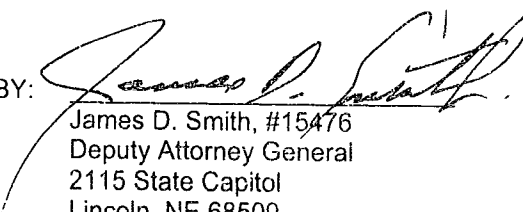
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 71-155 concerning the Defendant's license to practice medicine and surgery, and tax the costs of this action to the Defendant.

STATE OF NEBRASKA
Plaintiff,

BY: DON STENBERG
Attorney General

BY:

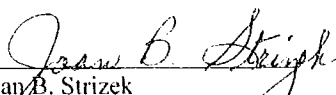

James D. Smith, #15476
Deputy Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 6th day of Dec., 2002, a copy of the foregoing FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER was sent by certified United States mail, postage prepaid, return receipt requested, to Attorney for Dr. Bottlinger, Paula Wilson, Howell & Wilson, 11620 Arbor St., #203, Omaha, NE 68114 and by interagency mail to James D. Smith, Deputy Attorney General, 2115 State Capitol, Lincoln, Nebraska.




Joan B. Strizek
HHS Regulation and Licensure
P.O. Box 95007
Lincoln, NE 68509-5007
(402) 471-0384