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MAR 20 2024

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

DHHS Hearing Office

STATE OF NEBRASKA ex rel. MICHAEL T. )  
HILGERS, Attorney General, )  
 )  
Plaintiff, )  
vs. )  
 )  
GADGIL, MILIND, )  
 )  
Defendant. )

240055 MD

ORDER ON  
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on March 19, 2024.

ORDER

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

Date: 03/20/2024



Timothy Tesmel, MD  
Chief Medical Officer  
Division of Public Health  
Department of Health and Human Services

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

CERTIFICATE OF SERVICE

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

MARK NOVOTNY ATTORNEY AT LAW 10306 REGENCY PARKWAY DR OMAHA NE 68114
MINDY LESTER ASSISTANT ATTORNEY GENERAL AGO.HEALTH@NEBRASKA.GOV

Date: 3/20/24



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

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

**STATE OF NEBRASKA ex rel. MICHAEL )  
T. HILGERS, Attorney General, )  
 )  
  **Plaintiff,** )  
 )  
  **vs.** )  
 )  
**MILIND S. GADGIL, M.D.,** )  
 )  
  **Defendant.** )**

**AGREED SETTLEMENT**

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

1. The Defendant, Milind S. Gadgil, M.D. is the holder of a physician license (#35227) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
2. The Defendant acknowledges service of a copy of the Petition for Disciplinary Action and waives the need for further service of the Petition upon him.
3. Before disciplinary measures may be taken against the Defendant's Nebraska physician 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 holds licenses to practice as a physician in Colorado, Tennessee, Minnesota, and Wisconsin.

6. The Defendant acknowledges that he has read the Petition filed by the Attorney General's Office and neither admits nor denies the allegations contained in the Petition.

7. The Plaintiff and the Defendant consent to the entry of a final disciplinary order by the Nebraska Chief Medical Officer which finds the allegations in the Petition are true and suspends the Defendant's Nebraska physician license for a period of six (6) months, effective ten (10) days from the date the Chief Medical Officer signs the Order on Agreed Settlement. The Defendant shall not engage in any activity which constitutes the practice of medicine and surgery in the State of Nebraska during the period of suspension.

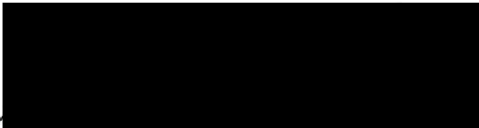
8. The Defendant acknowledges that reinstatement of his Nebraska physician license after the six (6) month suspension is complete is at the discretion of the Department and upon the approval of the Nebraska Board of Medicine and Surgery.

9. The Defendant would like to maintain his Academy of Psychiatry and Neurology Dual Board Certifications. The Defendant acknowledges the present matter is separate and distinct from that certification and that no assurances have been provided to him regarding the effect of the above captioned matter on the certification.

10. The Nebraska Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2016).

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

AGREED TO:

BY:   
Milind S. Gadgil, M.D.  
Defendant

State of NC )  
County of Wake County ) ss.

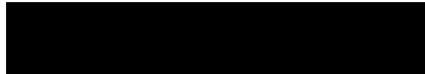
This Agreed Settlement is acknowledged before me Milind S. Gadgil, M.D., on this 12 day of March, 2024.

JAIRO ARIAS-PAREJA  
NOTARY PUBLIC  
Wake County, North Carolina  
My Commission Expires Oct 27, 2028


  
Notary Public /  
My Commission Expires: 10/27/2028

STATE OF NEBRASKA, ex rel.  
MICHAEL T. HILGERS, Attorney  
General,  
Plaintiff,

BY: MICHAEL T. HILGERS, #24483  
Attorney General

BY:   
Mindy L. Lester, #24421  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509-8920  
(402) 471-1815  
Attorneys for the Plaintiff.

APPROVED AS TO FORM:

BY:   
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Attorney for Defendant.



JAN 16 2024

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

DHHS Hearing Office

STATE OF NEBRASKA ex rel. MICHAEL )  
T. HILGERS, Attorney General, )  
 )  
Plaintiff, )  
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vs. )  
 )  
MILIND S. GADGIL, M.D., )  
 )  
Defendant. )

PETITION FOR DISCIPLINARY  
ACTION

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 (Reissue 2016) and 38-186 (2020 Cum. Supp.).
2. At all times relevant herein, the Defendant, Milind S. Gadgil, M.D., has been the holder of a physician license (#35227), issued by the Department of Health and Human Services Division of Public Health ("Department").
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2016).

5. At all times relevant herein, the Defendant was employed at R.W.M.C., Scottsbluff, Nebraska. The Defendant began his employment on or about March 6, 2023.

6. In April 2023, Defendant began displaying concerning behavior at R.W.M.C., including regularly arriving late for work, laughing at inappropriate times, and other abnormal behavior. Coworkers reported the Defendant smelled like alcohol at times.

7. On May 1, 2023, R.W.M.C. scheduled the Defendant for a for-cause drug screen. Upon his arrival at work, the Defendant's coworkers reported he smelled of alcohol. The Defendant was taken for breathalyzer testing. The Defendant's first alcohol breathalyzer test at 07:32 a.m. yielded a positive blood alcohol content of .222. The Defendant's second alcohol breathalyzer test at 07:48 a.m. yielded a blood alcohol content of .259.

8. The Defendant was terminated from his employment at R.W.M.C. due to the positive alcohol screen.

9. The Defendant advised a Department Investigator of the following:

- a. The Defendant began a new job but was terminated from it after a short time;
- b. He sought treatment from a provider who placed him on a Valium Taper to address excessive alcohol use; and
- c. The Defendant agreed to provide the Department documentation of his substance use evaluation and/or treatment.

#### **FIRST CAUSE OF ACTION**

10. Paragraphs 1 through 9 are hereby incorporated herein by reference.

11. Neb. Rev. Stat. § 38-178(7) (2022 Cum. Supp.) provides that a professional license may be disciplined for the practice of the profession while the ability to practice is

impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability.

12. The Defendant's practice of the profession while impaired is grounds for discipline.

### **SECOND CAUSE OF ACTION**

13. Paragraphs 1 through 9 are hereby incorporated herein by reference.

14. Neb. Rev. Stat. § 38-178(3) (2022 Cum. Supp.) provides that a professional license may be disciplined for abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance.


15. The Defendant's active addiction to alcohol constitutes unprofessional conduct and is grounds for discipline.

### **PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. 38-196 (Reissue 2016), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA, ex rel.  
MICHAEL T. HILGERS, Attorney  
General, Plaintiff,

BY: MICHAEL T. HILGERS, #24483  
Attorney General

BY:   
Mindy L. Lester, #24421  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509-8920  
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Attorneys for the Plaintiff.