

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2005 MLB 0034

STATE OF INDIANA, )  
)  
Petitioner, )  
)  
v. )  
)  
SUSAN BINGHAM DUKAR, M.D., )  
LICENSE NUMBER: 01050946, )  
)  
Respondent. )

**FILED**

JUL 05 2005

**HEALTH PROFESSIONS  
BUREAU**

**COMPLAINT**

The State of Indiana, by counsel, Deputy Attorney General, Elizabeth E. Kiefner, on behalf of the Office of the Attorney General ("Petitioner"), and pursuant to Indiana Code § 25-1-7-7, Ind. Code §25-1-5-3, Ind. Code §25-23-1-7 et seq., the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq. and Ind. Code § 25-1-9-1 et seq., files its Complaint against the physician license of Susan Bingham Dukar, M.D. ("Respondent"), and in support alleges and states:

**FACTS**

1. The Respondent's address on file with the Indiana Medical Licensing Board ("the Board") is 3616 Coblefield Drive, Evansville, Indiana 47711 and she is a duly licensed physician in the State of Indiana having been issued license number 01050946.
2. From approximately April 2002 through October 2002 the Respondent was employed in private practice at AGAPE Family Medical Center, 2522 Waterbridge Way, Evansville, Indiana 47710.

3. On or about April 4, 2002, the Respondent saw A.S. as a new patient. A.S. then had follow-up appointments with the Respondent on May 8 and May 10, 2002. The Respondent's notes reveal that A.S. likely suffered from depression. The Respondent recommended Prozac and referred A.S. to a psychologist for counseling.
4. On or about August 24, 2002, the Respondent engaged in a sexual relationship with A.S.
5. On or about September 1-4, 2002, the Respondent invited A.S. to attending a sailing class with herself and her staff at Kentucky Lake. The class, including A.S.'s fees, was paid for by the AGAPE Family Medical Center.
6. On or about September 8, 2002, a Sunday, the Respondent received a phone call from A.S.'s sister, who also happened to be a nurse in the Respondent's office. The Respondent treated A.S. with a hydroxyzine injection for anxiety and gave A.S. some Zyprexa samples. There is no documentation of the Respondent's September 8, 2002 treatment in A.S.'s medical file.
7. On or about September 11, 2002, the Respondent wrote Check Number 2580 from the AGAPE Family Medical Center in the amount of \$1,500.00 payable to Miller and Associates. This check was used by A.S. as a preliminary fee for filing for divorce from his wife.
8. On or about September 18, 2002, the Respondent received a facsimile addressed to A.S. at her office confirming that they were scheduled to go on vacation together in Las Vegas from October 29 through November 5, 2002.
9. On or about September 20, 2002, the Respondent and A.S. moved into a hotel together while awaiting the closure of a house.

10. On or about September 25, 2002, the Respondent and A.S. again traveled to Kentucky Lake.
11. On September 26, 2002, the Respondent and A.S. traveled to Orlando, Florida. The Respondent paid for meals, a hotel, and two tickets from Louisville, Kentucky to Orlando, Florida for herself and A.S.
12. On or about October 12, 2002, A.S. ended his personal relationship with the Respondent.
13. On or about January 27, 2005, the Respondent participated in informal board negotiations regarding this matter with Dr. Bill Beeson. Dr. Beeson recommended that the Respondent seek an evaluation at the Center for Personalized Education for Physicians ("CPEP").
14. The Respondent was scheduled for a CPEP assessment on March 3-4, 2005.
15. On or about February 22, 2005, the Respondent cancelled her CPEP assessment. The Respondent forfeited a deposit of \$4,000.00 to CPEP.

#### COUNT I

Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(11) in that the Respondent has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care.

#### COUNT II

Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(4)(C) in that the Respondent has continued to practice although the practitioner has become unfit to practice due to physical or mental disability.

**COUNT III**

Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(B) in that the Respondent engaged in fraud or material deception in the course of professional services or activities by failing to document her treatment of A.S. on September 8, 2002.

**WHEREFORE**, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and;
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Steve Carter,  
Attorney General of Indiana

By: Elizabeth E. Kiefner  
Elizabeth E. Kiefner  
Deputy Attorney General  
Attorney No.: 24261-49

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Complaint" has been duly served upon the Respondent listed below, by United States mail, first-class, postage prepaid, on this 5<sup>th</sup> day of JULY, 2005.

R. Thomas Bodkin  
Counsel for Susan Dukar, M.D.  
Bamberger, Foreman, Oswald, and Hahn, LLP  
P.O. Box 657  
Evansville, IN 47704



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Elizabeth E. Kiefner  
Deputy Attorney General

**OFFICE OF THE ATTORNEY GENERAL**  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, IN 46204-2770  
Telephone Number (317) 234-2257