

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

NEWSLETTER
September 1, 2012

The following actions have been taken by the Division following hearings conducted before an Administrative Law Judge and the respective Licensing Committees or Boards or have been entered by Stipulation or Memorandum of Understanding from August 1, 2012 - August 31, 2012.

NOTE: The Division has a new "Agency and Disciplinary Action Search" function now available on DOPL website (www.dopl.utah.gov) in which you can search and print scanned agency and disciplinary action documents.

PHYSICIANS/SURGEONS

***CRUMP, Kenneth Lyle, MD**

License Nos. 275282-1205/8905

Docket No. 2012-363

Orem, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct with regards to inappropriate prescriptions to allow others to obtain controlled substances and legend drugs for use in a body and laser center.

Order:

Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances were given a public reprimand as a result of the conduct identified above. Respondent was also ordered to pay a \$1,000 fine within 90 days. Respondent was also ordered to cease and desist from engaging in the unprofessional conduct identified in this Order.

Date:

August 13, 2012

***EMPEY, Joseph Courtney, MD**

License Nos. 5758849-1205/8905

Docket No. 2012-382

St. George, Utah

Cause of Action:

Respondent engaged in unprofessional conduct related to a methadone prescription given to a patient in December 2008. Due to a number of complicating factors, including the patient's failure to disclose detoxification treatment in early December 2008, the patient's failure to disclose the obtainment of a benzodiazepine prescription during the same time period, and Respondent's problematic methadone prescription, the patient was found deceased at his home on December 26, 2008.

Order:

Respondent was given a public reprimand for the above conduct, ordered to attend the PACE (Physician Assessment and Clinical Education Program) prescribing course offered through the University of California, San Diego's School of Medicine, which he has completed, and was ordered to seek peer review when prescribing and using methadone for the treatment of pain with his patients in new or complicated cases.

Date:

August 28, 2012

***FREDE, James Richard, MD**

License Nos. 7538947-1205/8905

Docket No. 2012-371

Kahului, Hawaii

Cause of Action:

Respondent's license to practice as a physician/surgeon in Illinois was disciplined in April 2012.

Order:

Respondent voluntarily surrendered his licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in this state. Respondent may not reapply for a physician/surgeon license for five years.

Date:

August 16, 2012

PHYSICIANS/SURGEONS - continued

***SLAVENS, Gary Dean, MD**

License Nos. 7617510-1205/8905

Docket No. 2012-229

Mapleton, Utah

Cause of Action:

Respondent was disciplined by the Kansas Medical Board in October 2011 for conduct that would constitute grounds for disciplinary action if the conduct had occurred in Utah.

Order:

Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances were revoked with a stay of enforcement on the revocation. Said licenses are suspended until Respondent has completed a required competency evaluation. Following the period of suspension, both licenses will be placed on probation for five years with conditions and restrictions.

Date:

August 22, 2012

DENTISTS/DENTAL HYGIENISTS

***COLEMAN, John Scott, DDS**

License No. 7825472-9921

Docket No. OSC-2010-461

Gilbert, Arizona

Cause of Action:

Respondent allowed his license to practice as a dentist to expire on May 31, 2012 which is in violation of probationary conditions that existed on his license.

Order:

Respondent's expired license to practice as a dentist was revoked effective the date of the Order as well as any residual rights to reinstate the license are also revoked.

Date:

August 29, 2012

ADVANCED PRACTICE NURSES

***COOK, Monica Cecilia**

License Nos. 379690-4405-8900

Docket No. 2012-302

Eagle Mountain, Utah

Cause of Action:

Respondent engaged in unprofessional conduct because Respondent did not hold a required national certification and her attestations to the Division regarding her qualifications were false and misleading and constitute misrepresentations and misstatements to the Division.

Order:

Respondent's licenses to practice as an advanced practice registered nurse and to administer and prescribe controlled substances were revoked effective the date of the Order. Respondent was also ordered to pay a \$5,000 fine.

Date:

August 23, 2012

***SHORT, Susan Ann**

License Nos. 225374-4405/8900

Docket No. 2012-364

Salt Lake City, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct which bears a reasonable relationship to her ability to safely and/or competently practice as a nurse.

Order:

Respondent's licenses to practice as an APRN and to administer/prescribe controlled substances are revoked with a stay of enforcement on the revocation. Said licenses were placed on probation for two years with conditions and restrictions.

Date:

August 13, 2012

REGISTERED NURSES

***BROADVIEW UNIVERSITY**

Nursing Education Program

Docket No. 2012-341

West Jordan, Utah

Memorandum of Understanding and Order:

Respondent's nursing education program approval status shall be withdrawn on December 31, 2012, the last day that Respondent will provide classroom instruction to students in Cohort 18. Respondent shall also cease instruction to any student outside Cohort 18 on September 30, 2012.

Date:

August 6, 2012

***DAVIS, Rebecca Elizabeth**

License No. 276284-3102

Docket No. 2012-365

Ogden, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that exist on her license when she knowingly ingested Nyquil, which Respondent knew contained alcohol. Respondent was ordered to pay a \$50 fine within 30 days.

Order:

Date:

August 13, 2012

***GODBE, Tina Sue**

License No. 364304-3102

Docket No. 2012-366

Sandy, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that exist on her license when she did not submit the required physical evaluation report within 90 days.

Order:

Date:

Respondent was ordered to pay a \$25 fine within 30 days.

August 13, 2012

***HIRSCHI, Lee Scott**

License No. 358334-3102

Docket No. 2011-431

St. George, Utah

Amended Order:

The suspension on Respondent's license to practice as a registered nurse was terminated and said license was placed on probation for five years with conditions and restrictions identified in the July 27, 2012 Stipulation and Order.

Date:

August 13, 2012

***MOGER, Lauren Louise**

License No. 7217291-3102

Docket No. 2012-346

Cottonwood Heights, Utah

Cause of Action:

Respondent violated probationary conditions that exist on her license by knowingly ingesting alcohol.

Order:

The probationary period that currently exists on Respondent's license to practice as a registered nurse is extended by one additional year. Respondent's period of probation is now six years from the effective date of the Stipulation and Order entered in Case No. DOPL-2012-101.

Date:

August 13, 2012

LICENSED PRACTICAL NURSES

None in August 2012

PHARMACISTS/PHARMACIES/OTHER PHARMACY CLASSIFICATIONS

***ABRAMS, David B.**

Pharmacist
License Nos. 288275-1701/8911
Docket No. 2011-164
Lehi, Utah
Amended Order:

The probationary condition requiring Respondent to work as a pharmacist at least 16 hours per week was amended to allow Respondent to work as a pharmacist for a minimum of 10 hours per week.

Date: August 7, 2012

***BEE, James Logan**

License Nos. 142760-1701/8911
Docket No. 2010-39
St. George, Utah
Reinstatement Order:

The probation on Respondent's licenses to practice as a pharmacist and to dispense controlled substances was terminated and said licenses were reinstated with full privileges.

Date: August 30, 2012

***FOWLES, Clell Mallory**

License Nos. 151735-1701/8911
Docket No. 2012-321
Mount Pleasant, Utah
Amended Order:

The probationary conditions requiring Respondent to participate in at least one professional support group per week and to attend 12-step program meetings at least two times per month were amended to allow Respondent to attend four (4) 12-Step meeting per month or one per week in lieu of the above requirements.

Date: August 30, 2012

***HUOT, Talair Lee**

Pharmacy Technician
License No. 338074-1717
Docket No. 2012-367
Brigham City, Utah
Cause of Action:

Respondent no longer intends to comply with probationary conditions that exist on her license.

Order: Respondent voluntarily surrendered her license to practice as a pharmacy technician. Respondent may not reapply for a pharmacy technician license for a period of four years and completion of conditions outlined in this Order.

Date: August 13, 2012

***JENSEN DRUG**

Class A pharmacy
License Nos. 128223-1703/8913
Docket No. 2012-360
Gunnison, Utah
Cause of Action:

Concerns were noted in Respondent pharmacy during a May 2012 inspection. Respondent's licenses to practice as a pharmacy and to dispense controlled substances were revoked with a stay of enforcement on the revocation. Said licenses were placed on probation for two years with conditions. Respondent was also ordered to pay a \$2000 fine of which \$1500 was suspended. The remaining \$500 fine is due within 90 days.

Order:
Date: August 8, 2012

PHARMACISTS/PHARMACIES/OTHER PHARMACY CLASSIFICATIONS - continued

***JENSEN, Redge Don**

Pharmacist

License Nos. 138148-1701/8911

Docket No. 2012-361

Gunnison, Utah

Cause of Action:

Concerns were noted in Respondent's pharmacy, Jensen Drug, during a May 2012 inspection.

Order:

Respondent's licenses to practice as a pharmacist and to dispense controlled substances were given a public reprimand and Respondent was also ordered to immediately cease and desist from engaging in the conduct described in the Stipulation and Order.

Date:

August 8, 2012

***LINCARE, INC. DBA DIABETIC EXPERTS OF AMERICA**

Class E pharmacy

License No. 8256916-1714

Docket No. 2012-369

Kansas City, Missouri

Cause of Action:

Respondent's license to practice as a drug distributor in Missouri was disciplined by the Missouri Board of Pharmacy in June 2009.

Order:

A license to practice as a Class E pharmacy was issued to Respondent and said license was placed on probation with conditions until June 1, 2013 or until Respondent's Missouri probation is terminated, whichever occurs later.

Date:

August 14, 2012

***WINTER, Alan V.**

Pharmacist

License Nos. 148309-1701/8911

Docket No. 2009-269

Hooper, Utah

Reinstatement Order:

The probation on Respondent's licenses to practice as a pharmacist and to dispense controlled substances was terminated and said licenses were reinstated with full privileges.

Date:

August 7, 2012

***WRIGHT, Michael Douglas**

Pharmacy Intern

License No. 6277546-1702

Docket No. 2012-375

Salt Lake City, Utah

Cause of Action:

Respondent engaged in unprofessional conduct that affects his application for reinstatement of his license to practice as a pharmacy intern.

Order:

Respondent's license to practice as a pharmacy intern was reinstated and said license was revoked with a stay of enforcement on the revocation. Said license is placed on probation with conditions and restrictions.

Date:

August 27, 2012

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS

***AGGRESSIVE EXCAVATION INC.**

License No. 8315376-5551

Docket No. 2012-347

Kanarrville, Utah

Cause of Action:

Respondent engaged in unprofessional conduct due to outstanding delinquent amounts.

Order:

A license to practice as a contractor was issued and said license was placed on probation for 10 years with conditions.

Date:

August 29, 2012

***ASPIRE CIVIL CONSTRUCTION LLC**

License No. 8381378-5501

Docket No. 2012-374

Draper, Utah

Cause of Action:

One of Respondent's qualifiers, Trevor Gough, engaged in unprofessional conduct prior to submitting an application for licensure.

Order:

Respondent's license to practice as a contractor was placed on probation for two years with conditions.

Date:

August 29, 2012

***BEEHIVE ROOFING, LLC**

License No. 6363282-5501

Docket No. 2009-369

Kearns, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date:

August 29, 2012

***CONCRETE CONCEPTS, INC.**

License No. 377218-5501

Docket No. 2009-131

Highland, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date:

August 29, 2012

***CUPPLES, Martin Shane**

Apprentice Electrician

License No. 5795264-5505

Docket No. 2012-381

West Jordan, Utah

Cause of Action:

Respondent engaged in unprofessional conduct due to a long history of alcohol and/or substance abuse.

Order:

Respondent's license to practice as an apprentice electrician was renewed/reinstated. Said license is suspended until such time as Respondent has obtained electrical employment and provides the Division the identity of his employer and supervisor. Following the period of suspension, said license will be placed on probation for four years with conditions.

Date:

August 29, 2012

***D & K ELECTRICAL AND INSTRUMENTATION SPECIALIST LLC**

License No. 7472964-5501

Docket No. 2012-316

Woods Cross, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

August 29, 2012

***DEVEY, Robert B.**

Journeyman Electrician

License No. 311509-5504

Docket No. OSC-2011-382

Murray, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on his license.

Order:

Respondent was given a public reprimand for failing to comply with probationary conditions that existed on his license. Respondent's license to practice as a journeyman electrician shall remain on probation subject to the conditions contained in the November 16, 2011 Order.

Date:

August 29, 2012

***DSB CONSTRUCTION, LLC**

License No. 4958821-5501

Docket No. 2010-154

American Fork, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date:

August 29, 2012

***GLASGOW MASONRY LLC**

License No. 5872937-5501

Docket No. 2012-212

Riverton, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

August 29, 2012

***J.C. MARTINEZ CARPENTRY CONSTRUCTION, INC.**

License No. 5414543-5501

Docket No. 2012-343

West Jordan, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct due to an outstanding delinquent amount.

Order:

Respondent's license to practice as a contractor was renewed/reinstated and said license was placed on probation for one year with conditions.

Date:

August 29, 2012

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***JEPSEN, Aaron Otto**

Apprentice Electrician
License No. 8374118-5505
Docket No. 2012-378
Taylorsville, Utah
Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Order: A license to practice as an apprentice electrician was issued and said license was placed on probation with conditions and restrictions.

Date: August 29, 2012

***MERRILL, David Taft**

Apprentice Electrician
License No. 8358971-5505
Docket No. 2012-380
Springville, Utah
Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure due to a long history of alcohol and substance abuse.

Order: A license to practice as an apprentice electrician was issued and said license was placed on probation for three years with conditions.

Date: August 29, 2012

***MITCHELL EXCAVATION, INC.**

License No. 346087-5501
Docket No. 2010-110
Lindon, Utah
Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date: August 29, 2012

***RON FOSTER CONSTRUCTION, INC.**

License No. 6839416-5501
Docket No. 2012-226
Hyde Park, Utah
Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order: A stay of enforcement that existed on the Division's June 28, 2012 Order in which Respondent's license to practice as a contractor was revoked was vacated and Respondent's license to practice as a contractor was revoked effective the date of this Order.

Date: August 29, 2012

***ROSS, Trevor William**

Apprentice Electrician
License No. 8339510-5505
Docket No. 2012-338
Ogden, Utah
Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure to the Division.

Order: A license to practice as an apprentice electrician was issued and said license was placed on probation for one year with conditions.

Date: August 1, 2012

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***RUSS'S CONCRETE & BUILDERS LLC**

License No. 5981146-5501

Docket No. 2009-293

Layton, Utah

Order Terminating Probation:

The probation that had existed on Respondent's license to practice as a contractor as a result of a September 30, 2009 Stipulation and Order was terminated based on the fact that Respondent has demonstrated financial responsibility by the alternative means of posting a license bond. Respondent's expired license to practice as a contractor is now reinstated with the license bond on file.

Date:

August 29, 2012

***R.W. ANDERSEN CONSTRUCTION LC**

License No. 5306424-5501

Docket No. 2012-339

St. George, Utah

Cause of Action:

Respondent engaged in unprofessional conduct due to outstanding delinquent amounts.

Order:

Respondent's license to practice as a contractor is renewed/reinstated and said license is placed on probation for three years with conditions.

Date:

August 29, 2012

***RASH, Wesley Keith**

Master Electrician

License No. 178387-5502

Docket No. 2012-379

Layton, Utah

Cause of Action:

Respondent engaged in unprofessional conduct that affects his license to practice as a master electrician.

Order:

Respondent's license to practice as a master electrician was reinstated, said license was revoked with a stay of enforcement on the revocation and said license was placed on probation with conditions and restrictions .

Date:

August 29, 2012

***SEAN FOOTE CONSTRUCTION, LLC**

License No. 7607484-5501

Docket No. 2010-226

Highland, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date:

August 29, 2012

***SMITH, Karla**

Apprentice Electrician

License No. 282456-5505

Docket No. 2012-342

Salt Lake City, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct due to a long history of alcohol or substance abuse.

Order:

A license to practice as an apprentice electrician was reissued to Respondent. Said license was revoked with a stay of enforcement on the revocation. Said license was placed on probation for two years with conditions.

Date:

August 3, 2012

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***SMITH, Shawn David**

Apprentice Electrician
License No. 8353038-5505
Docket No. 2012-337
Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Order:

A license to practice as an apprentice electrician was issued. Said license is suspended until Respondent has obtained employment as an apprentice electrician and has provided documentation to the Division. Following the suspension, said license will be placed on probation with conditions and restrictions.

Date:

August 1, 2012

***THOMAS JOHN ROUNDY**

License No. 7552025-5501
Docket No. 2010-247
St. George, Utah
Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date:

August 29, 2012

***WOODSIDE HOMES CORPORATION**

License No. 248788-5501
Docket No. 2010-111
North Salt Lake, Utah
Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date:

August 29, 2012

OTHER REGULATED PROFESSIONS

***DRAGE, Gary Dee**

Elevator Mechanic
License No. 7919106-5520
Docket No. 2011-113
Salt Lake City, Utah
Reinstatement Order:

The probation on Respondent's license to practice as an elevator mechanic was terminated and said license was reinstated with full privileges.

Date:

August 30, 2012

***EHLERS, Michelle**

Burglar Alarm Company Agent
License No. 8324643-6502
Docket No. 2012-340
Orem, Utah
Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a burglar alarm company agent was issued to Respondent and said license was placed on probation for two years with conditions and restrictions.

Date:

August 29, 2012

OTHER REGULATED PROFESSIONS - continued

***EWERS, Heather Roselani**

Certified Substance Use Disorder Counselor

License No. 7853503-6005

Docket No. 2012-344

Salt Lake City, Utah

Cause of Action:

Respondent violated probationary conditions and restrictions that existed on her license when she engaged in a romantic and sexual relationship with one of her clients.

Order:

Respondent voluntarily surrendered her license to practice as a certified substance use disorder counselor. Respondent may not reapply for licensure in a mental health therapy type license for a period of five years.

Date:

August 7, 2012

***GOMEZ, Kelly Allan, DPM**

Podiatric Physician

License Nos. 367951-0501/8907

Docket No. 2012-362

Provo, Utah

Cause of Action:

Respondent engaged in unprofessional conduct in his podiatric medicine practice with respect to patient Jane Doe.

Order:

Respondent's licenses to practice as a podiatric physician and to administer and prescribe controlled substances are placed on probation for four years with conditions and restrictions.

Date:

August 24, 2012

***HEATH, Megan K.**

Certified Social Worker

License No. 262063-3502

Docket No. 2008-244

Smithfield, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a certified social worker was terminated and said license was reinstated with full privileges.

Date:

August 14, 2012

***IVISON, Darin Mark**

Burglar Alarm Company Agent

License No. 6124172-6502

Docket No. 2012-368

Roy, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a burglar alarm company agent was issued and said license was placed on probation for two years with conditions and a restriction.

Date:

August 29, 2012

OTHER REGULATED PROFESSIONS - continued

***LARSEN, Rhett Craig**

Licensed Clinical Social Worker

License No. 4933445-3501

Docket No. 2012-372

Ephraim, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when he began a romantic relationship with a female patient.

Order:

Respondent voluntarily surrendered his license to practice as a licensed clinical social worker. Respondent may not reapply for a mental health therapy type license for a period of five years.

Date:

August 22, 2012

***MESSERLY, Baylie**

Master Esthetician

License No. 8317597-1109

Docket No. 2012-370

South Ogden, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a master esthetician was issued and said license was placed on probation for three years with conditions and restrictions.

Date:

August 16, 2012

***PATTERSON, Debra L.**

Nail Technician

License No. 8360846-1112

Docket No. 2012-384

Ogden, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a nail technician was issued and said license was placed on probation for three years with conditions and restrictions.

Date:

August 28, 2012

***REUTLINGER, Amanda**

Master Esthetician

License No. 8350867-1109

Docket No. 2012-373

West Jordan, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a master esthetician was issued and said license was placed on probation for two years with conditions and restrictions.

Date:

August 22, 2012

***SMITH, Michael**

Unlicensed funeral service director

Docket No. 2012-141

Farmington, Utah

Cause of Action:

Respondent engaged in the unlicensed practice of funeral service.

Order:

Respondent was ordered to cease and desist from acting as a funeral service director in Utah. Respondent was also ordered to pay a \$1,000 fine within 30 days.

Date:

August 1, 2012

OTHER REGULATED PROFESSIONS - continued

***WEAVER, William Charles**

Combination Building Inspector

License No. 263055-5601

Docket No. 2009-313

Laverkin, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a combination building inspector was terminated and said license was reinstated with full privileges.

Date:

August 13, 2012

This newsletter is published monthly. Your comments and suggestions are welcomed. If you need further information on any material contained in the newsletter, please contact Kimberley L. at (801) 530-6088 or Carol I. at (801) 530-6626.