

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

IN THE MATTER OF THE LICENSE OF
LYNNE ELIZABETH SAYAH
TO PRACTICE AS A REGISTERED NURSE
IN THE STATE OF UTAH

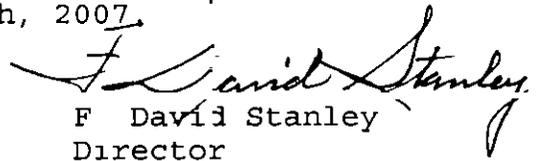
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: **ORDER**
: **TERMINATING PROBATION**
:
:
: Case No DOPL-2005-18

BY THE DIVISION

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated October 5, 2004, and the Division's Stipulation and Order, dated January 24, 2005, in the above-referenced case numbers

IT IS HEREBY ORDERED the probation on the license of LYNNE ELIZABETH SAYAH to practice as a registered nurse be terminated. It should be noted that Respondent's license to practice as a registered nurse expired on January 31, 2007 when it was not renewed

Dated this 28 day of March, 2007.


F David Stanley
Director

S E A L



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**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE
OF **LYNNE ELIZABETH SAYAH, R.N.**
TO PRACTICE AS A REGISTERED NURSE IN
THE STATE OF UTAH

STIPULATION AND ORDER
Case No DOPL-2005- 18

STIPULATION

LYNNE ELIZABETH SAYAH, R.N. ("Respondent"), and the **DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING OF THE DEPARTMENT OF
COMMERCE** (the "Division") stipulate and agree as follows

- 1 Respondent is licensed by the Division of Occupational and Professional
Licensing to practice as a Registered Nurse
- 2 Respondent admits the jurisdiction of the Division over her and over the subject
matter of this action

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3 Respondent acknowledges that she enters into this Stipulation knowingly and voluntarily and that no threat has been made by any representative of the Division or of the Attorney General's Office to induce her to enter into this Stipulation

4 Respondent acknowledges that she has the right to retain legal counsel to assist her in this matter and that she has either consulted with an attorney or has chosen to represent herself and waive her right to counsel

5 Respondent acknowledges that she has a right to receive a Petition and Notice of Agency Action, and, by signing this Stipulation, she waives that right

6 Respondent understands that she is entitled to a hearing before the Utah State Board of Nursing, or other Division presiding officer, to contest the allegations raised in a Petition. At said hearing, Respondent understands that she may present to the Board evidence on her own behalf, call witnesses and confront adverse witnesses

7 By signing this Stipulation, Respondent acknowledges she knowingly and voluntarily waives the following

- a the right to a hearing before a presiding officer of the Division to contest, dispute or otherwise challenge a Petition of the Division,
- b the right to present evidence on her own behalf,
- c the right to call witnesses,
- d the right to confront adverse witnesses, and
- e such other rights to which Respondent may be entitled in connection with said hearing

8 Respondent admits the following facts on or about October 17, 2003, the Massachusetts Board of Nursing disciplined Respondent in a Suspension Agreement (Massachusetts Order RN-03-002, which is attached as Exhibit A) The Massachusetts Order was based on a finding that on June 18, 2002, Respondent, while employed as a Registered Nurse at a nursing facility, emotionally abused, verbally abused, mistreated and intimidated a patient

9 Respondent admits that the Massachusetts Order provided for, among other things, that Respondent's license be suspended for six months with a provision to petition the Massachusetts Nursing Board for reinstatement after the suspension The Massachusetts Order also required Respondent to successfully complete fifteen contact hours of continuing education on the subject "Legal and Ethical Aspects of Nursing" and fifteen contact hours of continuing education on the subject of "Anger Management"

10 Respondent admits that on or about November 19, 2003, her License to practice nursing was placed on probation in the state of Utah based on the findings of the Massachusetts order (See Stipulation and Order DOPL 2003-236, which is attached as Exhibit B)

11 Respondent admits that on or about December 6, 2004, while employed as a registered nurse at the Garden Terrace Alzheimer's Center for Excellence, she uttered a disparaging remark to patient PJ (name withheld for purposes of confidentiality)

12 Respondent agrees UTAH CODE ANN § 58-1-501(2)(d) and (k) defines unprofessional conduct to include

(d) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the

licensee or applicant in the same occupation or profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401, [or]

* * *

(k) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license

13 Therefore, Respondent agrees the Division is authorized to act with respect to her license under Utah Code Ann Section 58-1-401(1)(a) (2000), which provides

- (1) The Division shall refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend restrict place on probation issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases
 - (a) the applicant or licensee has engaged in unprofessional conduct, as defined by statute or rule under this title

14 Respondent admits her conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501 (2)(d) and (k), and the Division may take action against Respondent's license pursuant to Utah Code Ann § 58-1-401 Therefore, to the following

- (a) Respondent's Utah license shall be placed on probation for a period of two years
- (b) During Respondent's Utah probation she shall comply with each provision of the Massachusetts Order, including completion of all the continuing education requirements and applying for and obtaining reinstatement of her Massachusetts license
- (c) Respondent shall meet with the Utah Nurses Licensing Board within 30 days of the effective date of the Order in this matter and every six months thereafter or at a greater or lesser frequency as determined by the Board
- (d) Respondent shall provide the Division with copy of each report made to the Massachusetts Nursing Board that is required by the Massachusetts Order

- (e) Respondent shall be subject to a mental, physical, and behavioral examination by a Division approved practitioners
- (f) Respondent shall restrict her practice to patients that are not mentally challenged or impaired Respondent shall not verbally abuse, mentally abuse, or physically abuse any patient
- (g) Respondent shall notify any employer of her restricted status and the terms of this agreement Respondent shall further cause her employer to submit performance evaluations to the Board on quarterly basis The receipt of an unfavorable report may be considered to be a violation of probation If Respondent is not employed as a nurse, she shall submit the employer report form on the date it is due and indicate on that form that current employment is not in nursing or that she is not currently working
- (h) Respondent shall work under the general supervision of a registered nurse in good standing with the Division or a licensed physician in good standing with the Division
- (i) Respondent shall meet with a designated Division staff member to review her Order prior to meeting with the Board
- (j) Respondent shall notify the Board, within one (1) week, and in writing, of any change of employer or employment status This is required regardless of whether Respondent is employed in nursing
- (k) Should Respondent not be employed in practice as a nurse during her probationary period for a consecutive period of more than 60 days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable Respondent must work at least sixteen (16) hours per week and no more than forty-four hours per week
- (l) *In the event Respondent should leave the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of departure and return The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation Periods of residency or practice outside this State may apply to the reduction of the probation period if the new state of residency places Respondent on probation with equal or greater terms and conditions*

- (m) Respondent must maintain a current license at all times during the period of suspension and/or probation
- (n) Respondent shall immediately notify the Division, in writing, of any changes of address within ten (10) working days.
- (o) Should Respondent become the subject of an investigation regarding deviations from the accepted standards of the practice of nursing, Respondent shall cause the board to be notified immediately
- (p) Should Respondent be arrested or charged with a criminal offense by any law-enforcement agency for any reason or should Respondent be admitted as a patient to any institution in this State or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately
- (q) Respondent agrees not to practice nursing in any other Nursing Regulation Interstate Compact party state without prior authorization from such other party state
- (r) In the event Respondent violates or fails to fulfill any terms or conditions as contained in this Stipulation above, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation and impose any sanction stayed thereby, and otherwise proceed against Respondent under applicable law. If a complaint or petition to revoke probation is filed against Respondent during probation, the period of probation and all relevant probationary terms and conditions shall be extended until the matter is final

14 This Stipulation and Order, upon approval by the Director of the Division shall be the final compromise and settlement of this matter. Respondent acknowledges that the Director of the Division is not required to accept the terms of this Stipulation and Order, and, if the Director does not so accept, the Stipulation and Order shall be null and void

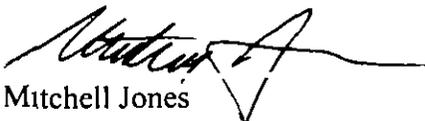
15 The Division and Respondent waive any claim of bias or prejudice they might have with regard to the Director by virtue of him having reviewed this Stipulation

16 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will constitute a public document and may be released by the Division to members of the public and other entities. In addition, the Division may inform other persons and entities of the action taken herein and of the content of this Stipulation and Order

17 Respondent acknowledges that this Stipulation constitutes the entire agreement between the parties and supersedes any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject matter of this Stipulation. There are no verbal agreements, which modify, interpret, construe, or affect this Stipulation

DIVISION OF OCCUPATIONAL
AND PROFESSIONAL LICENSING

RESPONDENT


L. Mitchell Jones
Assistant Attorney General


Lynne Elizabeth Sayah

Dated 18 Jan 2005

Dated 1 21 05

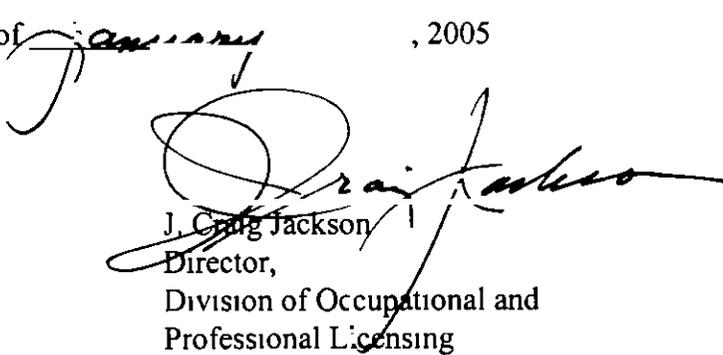

Laura Poe, M S R N
Bureau Manager

Dated 1-24-05

ORDER

THE STIPULATION ABOVE, in the matter of **LYNNE ELIZABETH SAYAH, R.N.**, is approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 24TH day of January, 2005


J. Craig Jackson
Director,
Division of Occupational and
Professional Licensing