

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

IN THE MATTER OF THE LICENSES OF
ROCHELLE RASMUSSEN
TO PRACTICE AS A DENTIST
AND TO ADMINISTER AND PRESCRIBE
CONTROLLED SUBSTANCES
IN THE STATE OF UTAH

:
:
: **AMENDED ORDER**
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: Case No. DOPL-2005-25
:

BY THE DIVISION:

The Division's Stipulation and Order, dated August 9, 2005, in the above-referenced case number is hereby amended as follows:

IT IS HEREBY ORDERED the probationary condition identified in paragraph 8.(13)(g)(1) with respect to the Division taking appropriate action to impose sanctions if Respondent tests positive for alcohol, a prescription drug, a controlled substance or any mood altering substance which cannot be accounted for by an administration or prescription by a lawful practitioner for a current medical condition is terminated

All other conditions in the August 9, 2005 Stipulation and Order shall remain the same and in effect, unless previously amended.

Dated this 4 day of December, 2008


F David Stanley
Division Director



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OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF
ROCHELLE RASMUSSEN
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: **AMENDED ORDER**
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: Case No.
: DOPL-2005-25
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BY THE DIVISION:

The Division's Stipulation and Order, dated August 9, 2005, in the above-referenced case number is hereby amended as follows.

IT IS HEREBY ORDERED the probationary conditions requiring Respondent to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions and requiring Respondent to abstain from the use of any and all mood altering substances or use of mood altering substances for any other purpose than the purpose for which the substance is intended are terminated

All other conditions in the August 9, 2005 Stipulation and Order shall remain the same and in effect.

Dated this 20 day of November, 2008.


F. David Stanley
Division Director



L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
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Box 146741
Salt Lake City, UT 84114-6741
Telephone (801) 366-0310

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

IN THE MATTER OF THE LICENSES)
OF **ROCHELLE RASMUSSEN, D.D.S.** TO) **STIPULATION AND ORDER**
PRACTICE AS A DENTIST AND TO)
PRESCRIBE AND ADMINISTER) **CASE NO DOPL 2005-25**
CONTROLLED SUBSTANCES IN THE)
STATE OF UTAH)

DOPL-FM-027 REV 1/25/05

ROCHELLE RASMUSSEN, D.D.S. ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 The Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Board of Dentistry ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing.

5 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

6 Respondent admits the following facts:

(1) Respondent unlawfully obtained protected information contained in the Utah Controlled Substances Database by soliciting Dr. Perry Fifield to contact employees at the Utah Controlled Substance Database and obtain protected information belonging to her husband. Respondent then knowingly and intentionally released the protected information obtained through Dr. Fifield to persons who were not authorized to receive the protected information. Respondent states that she engaged in the acts described above after finding a large bottle of pain pills in the suitcase of her daughter that Respondent believed belonged to her husband. Respondent states that she released the information in order to protect the safety and well-being of her children.

(2) Respondent allowed her employees, Sheila Jones, a dental hygienist, and Alison Morrow (Anderson), an unlicensed dental assistant, to perform procedures *that the employees were not properly licensed to perform*.

(3) Respondent prescribed 30 Diazepam 10 mg tablets, a controlled substance, to herself, for use by patients in her office. Respondent failed to maintain records

required by law regarding the 30 Diazepam 10 mg tablets Respondent states that although she was ultimately responsible for the log, her employee assistants failed to properly maintain the log as Respondent had assigned them to

(4) Respondent continued to prescribe and administer controlled substances following the expiration of her DEA registration number in April 30, 2004. Respondent states that she was unaware that her DEA registration number had expired

7 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501 (2)(a), Utah Administrative Code R156-37-502 (2) and (5), Utah Administrative Code R156-37-602 (1), and the American Dental Association's Principles of Ethics and Code of Professional Conduct Section 2C, and unlawful conduct as defined in Utah Code Ann § 58-1-501 (1)(a), (c), and (d), Utah Code Ann § 58-37-6 (7)(k), Utah Code Ann § 58-37-7.5 (8), (9), and (10), and Utah Administrative Code R156-69-603 (3) and (9), and that said conduct justifies disciplinary action against Respondent pursuant to Utah Code Ann § 58-1-401(2)(a) and (b)

8 Respondent agrees that an Order shall be entered by the Division in which Respondent's license to practice dentistry and Respondent's license to prescribe and administer controlled substances are revoked The revocations are immediately stayed, and Respondent's licenses will be placed on probation for a period of five years During the period of probation Respondent will be entitled to practice the profession of dentistry and prescribe and administer controlled substances under the following terms and conditions

(1) Respondent shall pay a fine of \$2,000 00 (two-thousand dollars) pursuant to Utah Code Ann § 58-37-6 (8)(a)(1) of the Controlled Substances Act The full amount of the fine shall be paid by Respondent within 90 days of the effective date of this Stipulation and Order

(2) Respondent shall testify truthfully in *The Matter of the Licenses of Perry M Fifield to Practice as a Dentist and to Prescribe and Administer Controlled Substances*

(3) Respondent shall meet with the Board within thirty (30) days of the signing of this Stipulation and Order. Respondent shall then meet with the Board on a quarterly basis or at such other greater or lesser frequency as determined by the Board and Division for the duration of the Stipulation and Order. Respondent agrees to meet with an assigned staff member prior to the first Board meeting. Respondent may submit a written statement explaining her actions, and any other materials Respondent desires, to the Board.

(4) Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession.

(5) If Respondent leaves 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 Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order.

(6) If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, 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 agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

(7) Respondent must maintain a current license at all times during the period of this agreement.

(8) Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address

(9) Respondent shall complete all terms and conditions of any criminal sanctions, incurred before or during the period of this agreement, including probation or parole. If Respondent has not successfully completed all the terms and conditions of Respondent's criminal probation at the time Respondent's administrative probationary period ends, the period of Respondent's administrative probation shall be extended until all the conditions of Respondent's criminal probation have been successfully completed

(10) In the event Respondent does not practice as a Dentist for a period of sixty (60) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession

(11) Respondent shall notify any employer of Respondent's restricted status and the terms of this agreement. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board on a monthly basis for six months and quarterly thereafter. The receipt of an unfavorable report from an employer may be considered to be a violation of the terms of this Stipulation and Order. If the Respondent is not employed as a Dentist, Respondent shall submit the required employer report form to the Board on the date it is due and indicate on that form that Respondent is not currently employed in Respondent's licensed occupation or that Respondent is not currently working.

(12) Respondent shall provide to Respondent's employer(s) a copy of this Stipulation and Order and cause each employer to acknowledge to the Board in writing, that a copy of this Stipulation and Order has been provided to the employer

(13) Respondent shall submit to the following course of treatment as part of Respondent's rehabilitation and at Respondent's own expense

a Respondent shall successfully complete a chemical dependency evaluation provided by a Division-approved licensed provider within ninety (90) days of the effective date of this Stipulation and Order. Respondent shall contact the Division-approved

Rehabilitation Center for an initial appointment within 10 days of the effective date of this Stipulation and Order. Respondent shall schedule the initial appointment to be held within 45 days of the effective date of this Stipulation and Order. Respondent shall attend all appointments and follow-up appointments in a timely manner. Respondent shall cooperate fully with the evaluator to ensure a fair and complete evaluation. Respondent shall notify the Division immediately after successfully completing the evaluation and inform the Division that Respondent has successfully completed the chemical dependency evaluation. Respondent agrees to cause the evaluation report to be sent to the Division within 90 days of the effective date of this Order. Respondent shall successfully complete all recommendations of the evaluation.

b Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions. Respondent shall abstain from the use of any and all other mood altering substances or use of mood altering substances for any other purpose than the purpose for which the substance is intended.

(c) Respondent acknowledges receiving a current list of the Division-approved licensed providers.

(d) If Respondent fails to submit the evaluation(s) to the Division within the time stated above, the Division may take any action necessary pursuant to the Utah Administrative Procedures Act, Utah Code Annotated § 63-46b.

(e) Respondent shall successfully complete all treatment programs and treatment recommendations as outlined in the evaluations.

(f) Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.

(g) The Division may take appropriate action to impose sanctions if (i) Respondent tests positive for alcohol, a prescription drug, a controlled substance, or any mood altering substance which cannot be accounted for by an administration or prescription by a lawful

practitioner for a current medical condition, or (ii) Respondent violates any federal, state or local law relating to Respondent's practice, the Controlled Substance Act, or a term or condition of this Stipulation and Order. Sanctions may include revocation or suspension of Respondent's license, or other appropriate sanction, in the manner provided by law.

(h) Respondent agrees to complete 10 additional hours of continuing education in the area of dental ethics. The 10 hours shall be in addition to the regular yearly continuing dental education requirements. Respondent shall complete the additional 10 hours within 24 months of the effective date of this Order.

10 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 is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudice Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

11 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the practice of Dentistry and the prescription and administration of controlled substances.

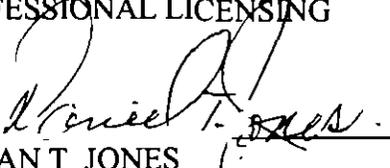
12 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

13 The terms and conditions of this Stipulation and Order become effective

immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order

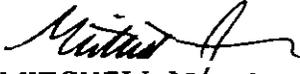
14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

BY 
DANT JONES
Bureau Manager

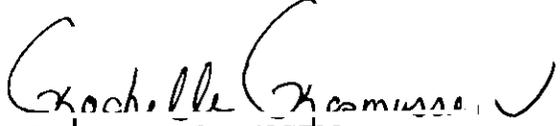
DATE 8-9-05

MARK L SHURTLEFF
ATTORNEY GENERAL

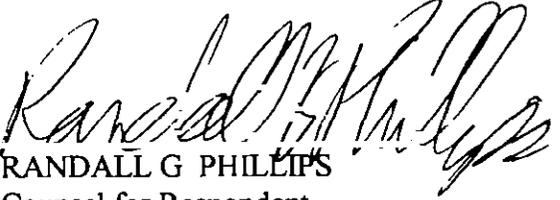
BY 
L MITCHELL JONES
Counsel for the Division

DATE 9 August 2005

RESPONDENT

BY 
ROCHELLE RASMUSSEN

DATE 8 2 2005

BY 
RANDALL G PHILLIPS
Counsel for Respondent

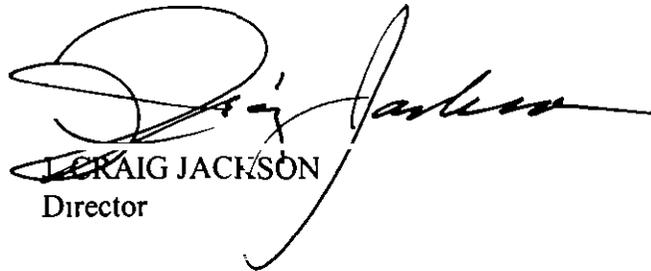
DATE 08/04/05

ORDER

THE ABOVE STIPULATION, in the matter of ROCHELLE RASMUSSEN, D D S , is hereby 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 9th day of August, 2005

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


CRAIG JACKSON
Director