

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  
**HELEN KAY GILLIT**  
TO PRACTICE AS A  
REGISTERED NURSE  
IN THE STATE OF UTAH

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**AMENDED ORDER**

Case No.  
DOPL-2006-154

**BY THE DIVISION:**

The Division's Stipulation and Order, dated July 20, 2006, in the above-referenced case is hereby amended as follows

IT IS HEREBY ORDERED the suspension on Respondent's license to practice as a registered nurse is terminated upon receipt of renewal/reinstatement fees in the amount of \$108 00 Upon receipt of the fees, said license will be placed on probation for five years, subject to the conditions and restrictions identified in the July 20, 2006 Stipulation and Order

It is further ordered that the probationary condition identified in paragraph 8(1)(y) is also amended to allow Respondent to practice nursing in Idaho under the authority of the Nurse Licensure Compact as long as she obtains written authorization from the Idaho Board of Nursing

All other conditions and restrictions identified in the July 20, 2006 Stipulation and Order shall remain the same and in effect

Dated this 23 day of April, 2009

*F. David Stanley*  
F. David Stanley, Director



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**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 )  
**HELEN GILLIT** ) **STIPULATION AND ORDER**  
TO PRACTICE AS A REGISTERED NURSE )  
IN THE STATE OF UTAH ) **CASE NO DOPL 2006-154**

**HELEN GILLIT** (“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 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 Nursing ("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 waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 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

7 Respondent admits the following facts

- a On or about February 8, 1995, Respondent was licensure as a Registered Nurse in the State of Utah
- b Respondent admitted to a Division investigator that she has been employed as a Registered Nurse in the states of Washington and Nevada, and practiced in Arizona under the Nurse Licensure Compact while licensed in Utah
- c On or about April 10, 2006, the Nevada State Board of Nursing filed a Complaint and Notice of Hearing alleging that Respondent withdrew controlled substances from the Acudose system of her employer, failed to document the administration of these controlled substances, and failed to document wasting these controlled substances It was also alleged that Respondent withdrew controlled substances without a physician's order The Nevada action is currently pending

- d From 2005 through 2006 while working in the State of Arizona, Respondent was terminated from two places of employment due to suspicions that Respondent diverted controlled substances for her own use Respondent admitted to an Arizona state investigator that Respondent diverted Dilaudid from an Arizona employer for Respondent's own use Respondent also admitted to the Arizona investigator that she diverted Xanax and Morphine during her employment in Nevada
- e On or about July 17, 2006, during an interview with a Utah Division investigator, Respondent admitted to consuming alcohol on a daily basis since August 2005 Respondent stated that she consumed 3 shots of vodka after completing her graveyard shifts and prior to going to sleep
- f Respondent had an odor of alcohol on her breath during her interview with the Utah investigator and admitted to consuming several mixed drinks the prior evening Respondent voluntarily submitted to a breathalyzer test (which was approximately twelve hours after her last drink) which resulted in a positive breath alcohol level of 0.014
- g Respondent has a continuing problem with alcohol to the extent that it might reasonably be considered to impair Respondent's ability to practice nursing safely

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(e) and § 58-31b-502(5), and unlawful conduct as provided under Utah Code Ann § 58-37-8(2)(a)(i) Further, Respondent recognizes that such conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (b) Therefore, Respondent agrees an Order may be issued in this matter providing for the following action against his license

- (1) Respondent's license to practice as a Registered Nurse shall be revoked, however that revocation shall be immediately stayed Respondent's license shall be immediately suspended and shall remain suspended until Respondent successfully completes the evaluations and any recommended drug treatment set forth in subparagraph 8(1)(b) below. Respondent's license to practice as a Registered Nurse shall be subject to a five year term of probation The period of probation shall commence on the date the Division Director signs the Order lifting the suspension on Respondent's license During the period of probation, the Respondent shall be subject to

all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division.

- a Respondent shall meet with the Board within thirty (30) days of the signing of the accompanying Order. Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Board to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division, annually or at such other greater or lesser frequency as the Division may direct.
- b Respondent shall successfully complete the following course of treatment as part of Respondent's rehabilitation and at Respondent's own expense:
  - i 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. The evaluation completed at the Behavioral Health Center (where Respondent was evaluated previously) may be accepted as meeting this condition provided Respondent meets again with the evaluator and informs the evaluator of Respondent's recent admitted diversion of controlled substances in Nevada and Arizona and an addendum to the evaluation is provided to the Division. Otherwise, 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.
  - ii Respondent shall successfully complete a psychological

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 licensed professional 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 psychological evaluation. Respondent agrees to cause the evaluation report to be sent to the Division within 90 days of the effective date of this Order.

- iii Respondent shall successfully complete a physical and psychiatric 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 licensed professional 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 physical and psychiatric evaluations. Respondent agrees to cause the evaluation reports to be sent to the Division within 90 days of the effective date of this Order.
- iv Respondent acknowledges receiving a current list of the Division-approved licensed providers.
- v 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.



(48) hours of being issued. Respondent shall report to the Division within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Respondent by any other individual

- h Respondent shall report to the Division within forty-eight (48) hours any and all mood altering medications or controlled substances ingested by Respondent from any source
- i Respondent shall provide to the primary prescribing practitioner a copy of this Stipulation and Order
- j Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct drug testing. The designated company may also request such samples and Respondent shall comply with such requests. The Division shall determine when and where Respondent is to submit herself for testing. Respondent shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing, including but not limited to, forms authorizing the company to send the drug test results to the Division. Any report from a drug testing company that indicates that Respondent failed to provide a sample for drug analysis as directed will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions. Any drug test result or pattern of results that indicates that the sample provided by Respondent for drug analysis is diluted to an extent that it cannot be analyzed will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions
- k Failure of Respondent to pay any cost associated with this Stipulation and Order constitutes a violation of the Stipulation and Order
- l 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 at any time after the Order is entered. The Division may take appropriate action against Respondent if any new information is revealed regarding a substantial violation that effects patient care or Respondent's ability to practice during the criminal proceedings regarding the conduct that is the subject 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.

- m All reports and documentation required in this Stipulation and Order shall be submitted to the Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis.
- n Respondent shall complete and submit to the Board a Self-Assessment Report at the frequency described in subparagraph (m) above. The Self-Assessment Report shall be completed on a form prescribed by the Division.
- o Respondent shall participate in all therapy and aftercare that the Division and the Board may require. Respondent shall authorize all approved treatment programs or therapists from whom Respondent has received or will receive treatment to discuss Respondent's diagnosis, treatment, and prognosis with the Division and the Board. The program or therapist must also be directed to submit evaluations to the Board that address Respondent's progress in treatment and Respondent's prognosis at the frequency described above. Respondent may be subject to re-evaluation upon notice and opportunity to be heard.
- p Respondent shall participate in a professional support group to address Respondent's use of controlled substances and shall submit documentation that reflects Respondent's continuing and regular attendance at such support group meetings. Respondent shall submit such documentation to the Division at the frequency described in subparagraph (m) above. Regular attendance for the purpose of this paragraph shall be at least twice a month.

- q Respondent shall attend a 12-step program, have a sponsor, work the 12-step program and submit reports at the frequency described in subparagraph (m) above to the Division documenting his participation. The frequency of participation shall be approved by the Board. Unless otherwise directed, Respondent shall attend at least two times per month.
- r Respondent shall notify any employer of Respondent's restricted status and the terms and conditions of this Stipulation and Order. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board at the frequency described in subparagraph (m) above. The receipt of an unfavorable report may be considered to be a violation of probation. If Respondent is not employed as a nurse, Respondent shall submit the employer form on the date it is due and indicate on that form that Respondent's current employment is not in nursing or that Respondent is not currently working.
- s Respondent shall restrict Respondent's practice to duties and surroundings that do not allow the Respondent access to, or require the Respondent to account for controlled substances.
- t Respondent shall provide to Respondent's employer(s) and/or school of nursing a copy of this Stipulation and Order and cause each employer or school of nursing to acknowledge to the Board in writing, that a copy of this Stipulation and Order has been provided to the employer and/or school of nursing.
- u Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, home health agency, temporary employment agency, school of nursing, or any other practice setting in which nursing supervision is unavailable.
- v Respondent shall practice only under the on-site supervision of a physician, physician's assistant, or other APRN in good standing with the Division. The supervisor shall be primarily one person who may periodically delegate his supervisory responsibilities over Respondent to other qualified personnel.
- w Respondent shall not contact by telephone or other manner, any pharmacy or drug supplier for the purposes of filling a prescription order. This applies both while Respondent is working in the capacity of Respondent's current employment or not. Respondent

must write any and all prescriptions on sequentially numbered triplicate prescription forms, and provide a copy of each prescription to the Division quarterly

- x In the event Respondent does not practice as a nurse 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.
- y Respondent agrees not to practice nursing in any other state that is a party to the Nurse Licensure Compact without prior authorization from such other party state.
- z 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.
- aa 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.
- bb 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, excluding currently pending criminal charges arising out of the circumstances that form the basis of this Stipulation and Order, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. The Division may take appropriate action against Respondent if any new information is revealed regarding a substantial violation that effects patient care or Respondent's ability to practice during the criminal proceedings regarding the conduct that is the subject of this Stipulation and Order. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- cc Respondent must maintain a current license at all times during the period of this agreement
- dd Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter

10 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 Respondent's practice as a Registered Nurse

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. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

14. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

15. 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

RESPONDENT

BY *Laura Poe*  
**LAURA POE**  
Bureau Manager

BY *Helen K. Gillitt*  
**HELEN GILLITT**  
Respondent

DATE *7-18-06*

DATE *7-18-06*

MARK L SHURTLEFF  
ATTORNEY GENERAL

BY *L. Mitchell Jones*  
**L. MITCHELL JONES**  
Counsel for the Division

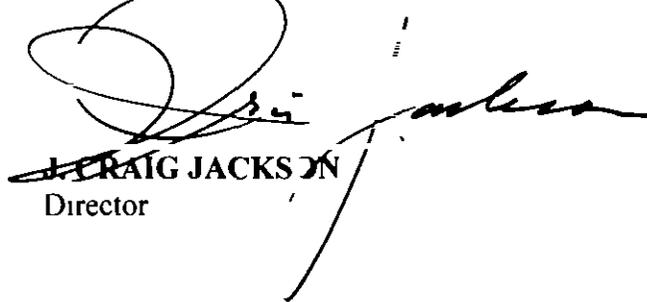
DATE *18 July 2006*

**ORDER**

THE ABOVE STIPULATION, in the matter of **HELEN GILLIT**, 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 20<sup>TH</sup> day of July, 2006

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
**J. CRAIG JACKSON**  
Director

Investigator Sandy Hess