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DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone. (801) 530-6628

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	·	NOTICE OF AGENCY ACTION
ADRIENNE S. BARNETT	·	AND ORDER TO
TO PRACTICE AS A	·	SHOW CAUSE HEARING
REGISTERED NURSE	:	
IN THE STATE OF UTAH	:	Case No. DOPL-OSC-2006-48

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
Adrienne S. Barnett ("Respondent"),
Ketchum ID 83340:

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action and Order to Show Cause Hearing. Said action is based upon the Division's Verified Motion for Order to Show Cause, a copy of which is attached hereto and incorporated herein by reference.

The adjudicative proceeding designated herein shall be conducted on a formal basis. It is maintained under the jurisdiction and authority of the Division as set forth in §58-1-401(2). Pursuant to Utah Code Ann §§ 63-46b-6(1) and 63-46b-1(9), and for good cause appearing, **you are required to file a written response with the Division within twenty (20) days of the mailing date of this notice.** The response you file may be helpful in clarifying, refining or narrowing the facts and violations alleged in the Verified Petition.

You may represent yourself or be represented by legal counsel, at your own expense, at all times while this action is pending. Your legal counsel shall file with the Division an Entry of Appearance of Counsel and until that Entry of Appearance is filed, the presiding officer will deal directly with you

Based upon the allegations in the Division's Verified Motion for Order to Show Cause that you have violated an Order of the Division and have thereby engaged in unprofessional conduct, and good cause appearing, you are hereby ordered to appear at the date, time and place set forth below to show cause why your license to practice as a registered nurse in the State of Utah should not be suspended, revoked, or subjected to further disciplinary action.

You are entitled by law to an evidentiary hearing regarding this Order to Show Cause as to why your license to practice as a registered nurse in the State of Utah should not be suspended, revoked or subjected to further disciplinary action. As designated by the Director of the Division, J Steven Eklund, Administrative Law Judge, Department of Commerce, will serve as the presiding officer in the evidentiary hearing

Notice is hereby given that said hearing will be held on the following date and time in Conference Room 475, of the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

February 26, 2007

9:00 a.m.

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to Judge Eklund. After the hearing, unless otherwise specified by the Director of the Division, Judge Eklund will issue findings of fact, conclusions of law and a recommended order to the Director of the Division of Occupational and Professional Licensing for his review and action.

Judge Eklund will thus conduct the hearing and preside over any evidentiary issues and matters of law or procedure. If you or your attorney have any questions as to the procedures relative to the hearing, Judge Eklund can be contacted at P O Box 146701, Salt Lake City, UT 84114-6701 His telephone number is (801) 530-6648.

Within ten (10) days after your timely filing of a written response to this Notice of Agency Action and Order to Show Cause as set forth above, Judge Eklund will attempt to conduct a prehearing conference with you or your attorney and counsel for the Division. At that prehearing conference, Judge Eklund will determine the extent to which this action is contested and will make such orders as deemed appropriate.

Counsel for the Division is Dan Lau, Assistant Attorney General, at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872. You or your attorney may attempt to negotiate a

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settlement of this case without proceeding to the February 26, 2007 hearing by contacting Mr Lau.

Should you fail to timely file a written response as set forth above, or fail to attend or participate in any scheduled hearing in this case, including any prehearing conference(s), you may be held in default without further notice to you. If you are held in default, the maximum administrative sanction consistent with the terms of this Order to Show Cause may be imposed against you. The maximum administrative sanction in this case is revocation of licensure and an administrative fine.

Please conduct yourself accordingly.

Dated this 28th day of December, 2006.

W. Ray Walker
W Ray Walker
Regulatory & Compliance
Officer

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DAN LAU (USB No 8233)
ASSISTANT ATTORNEY GENERAL
MARK L SHURTLEFF (USB No 4666)
ATTORNEY GENERAL
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M Wells Building
160 East 300 South
Box 146741
Salt Lake City, Utah 84114-6741
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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 ADRIENNE S BARNETT, RN
TO PRACTICE AS A
REGISTERED NURSE
IN THE STATE OF UTAH

**VERIFIED MOTION FOR ORDER
TO SHOW CAUSE**

Case No DOPL-OSC-2006-48

The State of Utah, Department of Commerce, Division of Occupational and Professional Licensing (Division), through its attorney, Dan Lau, Assistant Attorney General, moves for an order requiring Adrienne S Barnett, RN (Respondent) to appear at a time and date certain and to show cause, if any, as to why the Respondent's probation and license to practice as a Registered Nurse in the State of Utah should not be revoked because of her failure to comply with the terms and conditions of a Division Stipulation and Order dated March 1, 2006 (the "Stipulation and Order") This motion is based on the factual allegations and legal argument set forth below

FACTUAL ALLEGATIONS

1 Pursuant to the referenced Stipulation and Order, the Division placed Respondent's license to practice as a Registered Nurse in the State of Utah on probation and required Respondent to comply with the terms of and conditions of that probation. A Copy of the Stipulation and Order is attached as Exhibit A.

2 The Respondent has violated the terms and conditions of probation in the following respects:

a Respondent failed to pay her fine of \$1,000, which was ordered in provision 8(1) of the Stipulation and Order.

b The Division has not received reports of the Respondent having completed a chemical dependency evaluation, psychological evaluation, and physical evaluation, which were ordered in provisions 8(2)(c)(i, ii, and iii) of the Stipulation and Order.

c The Respondent failed to notify the Division, pursuant to provision 8(2)(f) of the Stipulation and Order, of the following controlled substance prescriptions she received:

<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
07-03-06	Hydrocodone	10
07-07-06	Hydrocodone	45
07-07-06	Alprazolam	20
07-16-06	Hydrocodone	45
07-25-06	Hydrocodone	45
07-30-06	Alprazolam	20
08-03-06	Hydrocodone	45
08-09-06	Alprazolam	20
08-12-06	Hydrocodone	45
08-21-06	Hydrocodone	45
08-25-06	Alprazolam	20
08-30-06	Hydrocodone	45

d The Respondent has not submitted to the Division's drug testing program and has not registered with the Division's drug testing contractor, which was ordered in

provision 8(2)(h) of the Stipulation and Order

e The Respondent has not submitted or caused to be submitted to the Division any Self Assessment Reports, Therapy or Aftercare Reports, Professionals in Recovery Attendance Record, 12-Step Program Attendance Record, employer and supervisor evaluations, and documentation that her employer had received a copy of the Stipulation and Order Provisions 8(2)(k), (l), (m), (n), (o), and (p) of the Stipulation and Order mandated that the Respondent was to submit these reports to the Division in a timely manner

f The Respondent has changed her employment or working status but has not notified the Division of any such changes, which was ordered in provision 8(2)(x) of the Stipulation and Order

g The Respondent did not notify the Division of her change of address to Idaho, as required in provisions (8)(2)(y) and (bb) of the Stipulation and Order The Division only became aware of such change when mail it had sent to the Respondent was returned with an Idaho forwarding address

Because the Respondent has violated the terms and conditions of her probation, she is in violation of the Stipulation and Order Provision 13 of the Stipulation and Order states, "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 action*" (emphasis added) Violation of the terms of the Stipulation and Order constitutes "unprofessional conduct" as provided in Utah Code Ann § 58-1-501(2)(a) (2004) The law further provides that the Division may revoke, suspend, restrict, place on probation, or otherwise act upon the license of an individual who has engaged in such "unprofessional conduct" Utah Code Ann § 58-1-401(2)(a) (1996)

The Division has shown good cause for this motion If the Respondent fails to show why her probation and license to practice as a Registered Nurse in the State of Utah should not be revoked, the Division requests that a subsequent order be issued revoking the Respondent's license

DATED this 19th day of December, 2006

MARK L SHURTLEFF
ATTORNEY GENERAL



DAN LAU
ASSISTANT ATTORNEY GENERAL

VERIFICATION

STATE OF UTAH)
 SS
COUNTY OF SALT LAKE)

Steven Davis, first being duly sworn, states as follows

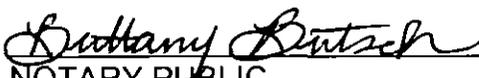
1 I am an Investigator for the Utah Division of Occupational and Professional Licensing and have been assigned to work on this case

2 I have read the foregoing motion, including the section entitled "Factual Allegations " All of the factual allegations contained in the "Factual Allegations" section are true to the best of my knowledge, information and belief

DATED this 19 day of December, 2006


Steven Davis

Subscribed and sworn to before me this 19 day of December, 2006


NOTARY PUBLIC

