

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
ROBERT M. MATOTEK
TO PRACTICE AS A LICENSED
SUBSTANCE ABUSE COUNSELOR
IN THE STATE OF UTAH

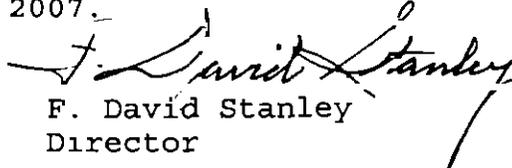
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: **ORDER REINSTATING LICENSE**
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: Case No. DOPL-2006-73
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BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated March 24, 2006, in the above-referenced case number.

IT IS HEREBY ORDERED the probation on the license of ROBERT M. MATOTEK to practice as a licensed substance abuse counselor be terminated and said license be reinstated with full privileges effective the date of this Order.

Dated this 5 day of June, 2007.


F. David Stanley
Director

S E A L



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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)
ROBERT M. MATOTEK) STIPULATION AND ORDER
TO PRACTICE AS A LICENSED)
SUBSTANCE ABUSE COUNSELOR) CASE NO DOPL 2006-- 73
IN THE STATE OF UTAH)

ROBERT M. MATOTEK (“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 Substance Abuse Counselors Licensing Board ("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 Respondent was licensed as a Substance Abuse Counselor in the State of Utah on about February 19, 1997
- b From approximately May 2005 to approximately February 2006, Respondent was employed as a Rapid Response Crisis Worker at a local specialty hospital Respondent responded to more than 60 mental health crisis calls
- c While responding to these crisis calls, Respondent performed clinical mental health assessments, evaluated mental health clinical information gathered from the patient and from collateral sources, authored Axis 1, 2, 3, 4 and 5 diagnostic information, formulated and assigned a diagnosis to the patients, and devised and documented treatment plans
- d Hard copies of the evaluations and diagnoses prepared and signed by Respondent, were made a permanent part of the client's medical record at an acute care hospital Copies of the evaluations were also submitted to Respondent's clinical supervisor,

Edd G Hill, a licensed Marriage and Family Therapist, for billing purposes at the specialty hospital

- e Respondent is not licensed to practice as a mental health therapist in the State of Utah. The conduct described above is beyond the scope of Respondent's practice as a Substance Abuse Counselor
- 8 Respondent admits that Respondent's conduct described above is unlawful conduct as defined in Utah Code Ann § 58-1-501(1)(a), and unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(i), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(1)(a) and (b). Therefore, Respondent agrees that an Order shall be entered in this matter as follows
- (1) The Respondent's license shall be revoked. That revocation shall be immediately stayed and the Respondent's license shall be subject to a term of probation for a period of (3) three years. The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. 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 by the Division
 - a The Respondent shall work under the supervision of a mental health therapist approved by the Division and/or Board, who will assist in the concurrent management and oversight of any and all of Respondent's substance abuse counselor duties and assist Respondent with understanding Respondent's responsibility regarding, statutes, rules, ethics, scope of practice and professional standards of practice
 - b Respondent shall provide a copy of this Stipulation and Order to Respondent's supervisor, employer, and any future employer. Respondent's employer and supervisor shall acknowledge receipt of the Stipulation and Order in writing to the Division and inform the Division whether the supervisor is willing to supervise Respondent
 - c Respondent shall arrange to have Respondent's employer and supervisor submit monthly reports to the Board for the first six months of probation and

then quarterly thereafter, or as directed by the Board. These reports will assess Respondent's compliance with the terms of Respondent's probation and Respondent's compliance with and understanding of the ethics, standards, statutes, rules and scope of practice of substance abuse counseling. The receipt of an unfavorable report may be considered to be a violation of probation.

- d Respondent shall attend the next regularly scheduled meeting of the Board after the effective date of the Order in this matter. Respondent shall thereafter attend meetings with the Board when requested.
- e If the Respondent works less than full time as a Substance Abuse Counselor, the reduction of the remaining probationary time period shall only be reduced on a prorated basis compared to a full time position (40 hours of employment per week).
- f Respondent shall successfully complete 26 hours of continuing professional education within one year of the effective date of this Stipulation and Order. Six of these 26 hours are additional hours required beyond the regular yearly continuing professional education requirement for all licensees. All continuing professional education courses must be pre-approved by the Board and Division. The 26 hours of continuing professional education shall focus on ethics, scope of practice, and laws and rules of the profession.
- g Respondent shall comply with the ethics, standards, statutes and rules of substance abuse counseling.
- h Respondent shall notify the Board in writing, within one (1) week, of any change of employer or employment status, regardless of whether Respondent is employed in the field of substance abuse counseling.
- i Should Respondent not be employed in the practice of substance abuse counseling during Respondent's probationary period for a consecutive period of more than 60 days, that period shall not apply to the reduction of the probationary period, though the terms of probation shall remain applicable.
- h In the event Respondent should move out of the State of Utah to reside or practice substance abuse counseling or any other mental health related profession that requires a professional license, Respondent shall notify the 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 licensed practice outside of Utah may apply to the reduction of the probationary period, if the

new state of residency places Respondent on probation with equal or greater terms and conditions

- i Respondent must maintain a current substance abuse counseling license at all times during the probationary period
- j Respondent shall immediately notify the Division, in writing, of any changes of address
- k In the event Respondent violates or fails to fulfill any terms or conditions of this Stipulation, 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 and/or otherwise proceed against Respondent under applicable law. If a complaint or petition to revoke probation is filed against Respondent during the probationary period, the period of probation and all relevant probationary terms and conditions shall be extended until the matter is final.
- l Failure to pay any of the cost of complying with this Order shall be considered a violation of probation

9 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 prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice of substance abuse counseling.

11 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 and Order.

12. 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.

13. 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.

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 
NOEL TAXIN
Bureau Manager

DATE 3/23/06

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L MITCHELL JONES

DATE 23 Mar 2005

RESPONDENT

BY 
ROBERT M MATOTEK

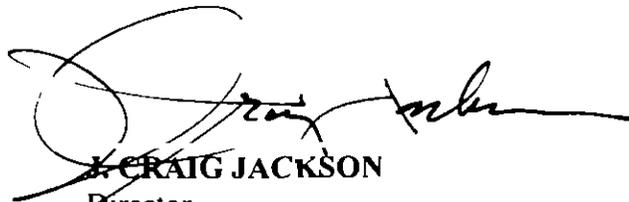
DATE 3-23-06

ORDER

THE ABOVE STIPULATION, in the matter of **ROBERT M. MATOTEK**, 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 24TH day of March, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


J. CRAIG JACKSON
Director

Investigator Dee Thorell