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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 ) **STIPULATION AND ORDER**  
**DOUGLAS BRENT ZITTING** )  
TO PRACTICE AS A )  
REGISTERED NURSE ) **CASE NO DOPL 2007-- 100**  
IN THE STATE OF UTAH )

**DOUGLAS BRENT ZITTING** (“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 are true

- a On or about October 17, 2006, Respondent entered into a Stipulation and Order in DOPL Case # 2006-211 with the Division A copy of the Stipulation and Order is attached and incorporated by reference to this Stipulation and Order as Exhibit A
- b Respondent failed to provide a copy of the chemical dependency, psychological, and physical evaluations to the Division as required by Exhibit A
- c Exhibit A required Respondent to receive controlled substance prescriptions from only one physician Respondent submitted the name of Dr David Gubler as his prescribing practitioner, but Respondent has received controlled substances from four (4) additional physicians

- d Respondent failed to submit the following prescriptions to the Division within forty-eight (48) hours as required by Exhibit A oxycodone, filled November 25, 2006, February 11, 2007 and February 13, 2007, Ambien CR, filled on February 12, 2007 and March 29, 2007, Codeine Promethazine E Syrup filled February 24, 2007, and Fentanyl filled March 14, 2007 and March 23, 2007
- e Exhibit A requires Respondent to provide samples for random drug testing Respondent missed scheduled drug tests on November 28, 2006, December 27, 2006, and February 9, 2007 Respondent also failed to call Compass Vision to determine if Respondent was required to provide a sample on October 26 and 27, 2006, November 22 and 27, 2006, December 2, 9, 12, 16, 17, 19 through 27, and 31, 2006, January 1, 5 through 8, 28, and 31, 2007, February 4, 10, 11, and 18, 2007, and March 25 and 31, 2007
- f Respondent tested positive for ethyl glucuronide and benzodiazepines on October 24, 2006 and December 7, 2006 Respondent tested positive for Tramadol on January 12, 2007, and benzodiazepines on February 23, 2007 Respondent failed to submit prescriptions showing that he had a valid prescription for any of these substances
- g Respondent is not currently physically and emotionally able to practice nursing safely Respondent desires to surrender Respondent's license to practice as a registered nurse in the State of Utah

8 Respondent admits Respondent's conduct described above constitutes unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and constitutes grounds for sanctioning Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (d) Respondent hereby surrenders Respondent's license to practice as a registered nurse in the State of Utah Respondent shall not apply for licensure as a nurse in the State of Utah for a period of five years from the effective date of this Stipulation and Order The Division does not guarantee than any future application by Respondent for licensure will be granted If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a registered

nurse in the State of Utah Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative 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

10 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

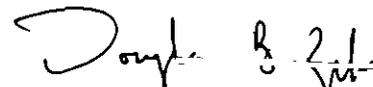
11 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law

12 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**  
Bureau Manager

BY   
**DOUGLAS BRENT ZITTING, RN**

DATE 4-30-07

DATE ~~4-30-07~~ 5-5-07

MARK L SHURTLEFF  
ATTORNEY GENERAL

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

DATE 7 May 2007

**ORDER**

THE ABOVE STIPULATION, in the matter of **DOUGLAS BRENT ZITTING**, 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 issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 7 day of May, 2007

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
**F. DAVID STANLEY**  
Director

Investigator Irene Gayheart