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Assistant Attorney General
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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 LICENSES OF)
BRANDON GEIGLE BENTZ) STIPULATION AND ORDER
TO PRACTICE AS A PHYSICIAN/SURGEON)
AND TO ADMINISTER AND PRESCRIBE) CASE NO DOPL 2007-- 169
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

BRANDON GEIGLE BENTZ ("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 and is represented by Janet Hugie Smith and Elaina Maragakis, of the law firm of Ray, Quinney & Nebeker, P C , in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Physician 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 physician in the State of Utah on February 13, 2003 Respondent began employment as an Assistant Professor in the Department of Otolaryngology with the University of Utah in 2002 Respondent is also an investigator at the Huntsman Cancer Institute
- (b) In November 2006 Respondent entered into a professional, doctor/patient relationship with Jane Doe (name withheld for purposes of confidentiality)
- (c) During the period from about December 8, 2006 through December 17, 2006, Respondent engaged in a consensual intimate sexual relationship with Jane Doe
- (d) On or about December 17, 2006, Respondent informed Jane Doe that he could not simultaneously have a personal relationship with her and act as her

physician Respondent informed Jane Doe that her care could be transferred to another physician Jane Doe requested that Respondent continue as her physician in order to perform a scheduled operation On or about December 18, 2006, Respondent terminated his personal relationship with Jane Doe

- (e) On December 19, 2006, Respondent performed a scheduled surgery on Jane Doe related to Respondent's treatment of Jane Doe's thyroid cancer Following the surgery, Respondent transferred Jane Doe's care to another physician
- (f) Respondent has not had any further contact with Jane Doe
- (g) Respondent voluntarily self-reported this incident to the Division and his employer Respondent has been forthcoming in discussing the situation with the Division investigator and his employer

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (b) and Principles I, II, and IV of the Code of Ethics of the American Medical Association as set forth in Opinion 8 14, and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(1)(a) Respondent agrees that an Order, which constitutes disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) Respondent's licenses shall be subject to a term of probation for a period of two (2) 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, Respondent shall be subject to all of the following terms and conditions Respondent may submit a request to the Division and Board requesting early termination of his probation following one full year of complete compliance with the terms and conditions of the Stipulation and Order There is no guarantee that such a request will be granted by the Division and Board even with full compliance 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 signing of the accompanying Order and on a quarterly basis, or at other greater or

lesser frequency as determined by the Board and Division for the duration of the probationary period thereafter to assess the progress of his probation. Respondent may be accompanied at such meetings by his counsel.

- (b) Respondent shall provide a copy of this Stipulation and Order to any employer. Further, Respondent shall cause each of his employers to acknowledge in writing to the Division of having received a copy of this agreement. "Employers" includes hospitals where Respondent has *privileges, but not insurance companies*.
- (c) Respondent has instituted a protocol for meeting and treating female patients under the direct observation of a chaperone. A chaperone coordinator shall provide quarterly reports to the Board and Division, on a form pre-approved by the Division, documenting Respondent's compliance with the terms and conditions of this Stipulation and Order.
- (d) Respondent shall work with a supervising physician who shall co-manage Respondent's practice. The supervising physician shall be pre-approved by the Board and Division. The supervising physician shall submit reports on a quarterly basis to the Division and Board, on a form pre-approved by the Division, summarizing Respondent's compliance with the terms and conditions of this Stipulation and Order.
- (e) Respondent shall successfully complete an additional professional education course, pre-approved by the Board and Division, focusing on professional ethics, values, and law, within one year of the effective date of this Stipulation and Order. Respondent has fulfilled this requirement by attending a course with Brenda Yamagata, the report of whom has been provided to the Board.
- (f) Within the first year of probation, Respondent shall successfully complete the Professional Boundary Program of the Physician Assessment and Education Program at the University of San Diego, or, at the Board and Division's discretion, an equivalent program at another institution.
- (g) Respondent shall successfully complete the psychosexual evaluation that Respondent is currently undergoing with Dr. Michael D. Brunson. Respondent has successfully completed the evaluation, and the Division has been provided with a copy of Dr. Brunson's Report.
- (h) Pursuant to Dr. Michael D. Brunson's psychosexual evaluation report completed in June 2007, Respondent shall (1) attend outpatient therapy to

address the issues set forth in the psychosexual evaluation report, and (2) Respondent shall be evaluated by a psychiatrist for medication intervention for the reasons set forth in the psychosexual evaluation report, if Respondent's therapist, designated in subsection (1) of this paragraph, so recommends

- (i) Respondent shall sign a release allowing Dr Brunson to discuss his evaluation completely and thoroughly with the therapist, if Dr Brunson is not the therapist Respondent shall also execute a release allowing Dr Brunson and the therapist to release all reports and documents to the Division and Board and to discuss freely Respondent's progress in treatment with the Board and Division Respondent shall also cause the therapist to issue quarterly reports to the Board and Division, on a form pre-approved by the Division, summarizing Respondent's progress in therapy Except as required for Board meetings and any future hearing, all reports and documents shall not be made public
- (j) Respondent shall notify the Division/Board within one (1) week, and in writing, of any change of employer or employment status This is required regardless of whether Respondent is employed in the practice of medicine
- (k) In the event that Respondent leaves the State for a period longer than 60 days, Respondent shall notify the Division and 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 and Order Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places Respondent's license on probation with equal or greater terms and conditions
- (l) Periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation Should Respondent not be employed in practice as a physician during his probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable If the respondent works less than full-time as a physician, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week
- (m) Should other acts of unprofessional conduct come to the attention of the Division which have occurred prior to or subsequent to the entry of the Order in this case, or should Respondent violate probation in any respect,

the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, terminate probation or impose sanctions in accordance with applicable law

- (n) If a petition is filed by the Division against Respondent during his probation, the period of probation shall be extended until the matter is final, i.e., once the Division has issued a final order with regard to the petition and no appeal is pending
- (o) Respondent shall immediately notify the Division, in writing, of any changes of address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division, first class U.S. Mail, and shall constitute notice to Respondent
- (p) Failure to pay for any of the costs associated with this probation shall be considered a violation of this order. Respondent further agrees to complete all conditions of probation in a timely manner
- (q) Where a specific time for completion is not stated in this Order, it shall be within the Division and Board's discretion to set a time for completion, not to exceed the period of probation
- (r) Respondent agrees to keep his licenses current during his period of probation
- (s) Respondent shall notify the Division immediately if he is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement, other than conduct relating to routine traffic violations

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 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 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 as a physician/surgeon and the administration and prescribing of controlled substances

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

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 
DIANA BAKER
Bureau Manager

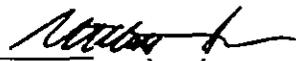
DATE Aug 6 2007

RESPONDENT

BY 
BRANDON GEISLER BENTZ

DATE 8.1.07

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE 3 Aug 2007

ORDER

THE ABOVE STIPULATION, in the matter of **BRANDON GEIGLE BENTZ**, 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 8 day of *August* 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

Investigator Larry Gooch