

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
KAREN J. BAKER AND ORDER TO
TO PRACTICE AS A REGISTERED NURSE SHOW CAUSE HEARING
IN THE STATE OF UTAH : Case No. DOPL-OSC-2007-185

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
Karen J Baker ("Respondent"), Riverton UT 84065.

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. §§ 63G-4-204(1) and 63G-4-102(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 Motion for Order to Show Cause. Your written response should be mailed to the following address: Division of Occupational and Professional Licensing, Attn Disciplinary Files, 160 East 300 South, PO Box 146741, Salt Lake City UT 84114-6741

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

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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. Unless otherwise specified by the Director of the Division, the Board of Nursing will serve as fact finder in the evidentiary hearing.

Notice is hereby given that said hearing will be held on the following date and time in Conference Room 474, of the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

November 13, 2008 at 1:00 P.M.

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to the fact finder. After the hearing, unless otherwise specified by the Director of the Division, the fact finder 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.

The presiding officer for purposes of conducting hearings will be J. Steven Eklund, Administrative Law Judge, Department of Commerce, who will 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.

Upon 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 conduct a prehearing conference with you or your attorney and counsel for the Division at the request of either party. 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 L. Mitchell Jones, Assistant

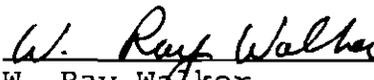
Attorney General, at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872.

You or your attorney may attempt to negotiate a settlement of this case without proceeding to a hearing by contacting Mr Jones

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. Also, an administrative fine may be imposed.

Please conduct yourself accordingly

Dated this 27th day of August, 2008.


W. Ray Walker
Regulatory & Compliance
Officer

L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
Commercial Enforcement Division
Heber M Wells Building
Box 146741
Salt Lake City, UT 84114-6741
TEL (801) 366-0310

**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
KAREN J. BAKER
TO PRACTICE AS A
REGISTERED NURSE
IN THE STATE OF UTAH

**VERIFIED MOTION FOR
ORDER TO SHOW CAUSE**

Case No DOPL-OSC- 2007-185

The State of Utah, Department of Commerce, Division of Occupational and Professional Licensing (hereinafter "Division"), through L Mitchell Jones, Assistant Attorney General, pursuant to Utah Code Ann Title 63 Chapter 46b, Utah Code Ann § 58-1-106(1)(a), § 58-1-108(1), and Utah Administrative Code R156-46b-201(2)(a), hereby moves for an order requiring **KAREN J. BAKER** (hereinafter "Respondent") to appear at a time and date certain and to show cause, if any, as to why Respondent's probation and license to practice as a registered nurse in the State of Utah should not be revoked for Respondent's failure to comply with the terms and conditions of a Stipulation and Order (hereinafter "stipulated agreement"), entered into by Respondent and the Division on or about September 4, 2007 in DOPL Case #2007-185. The stipulated agreement is hereby incorporated by reference into this Verified Motion for Order to Show Cause, and attached as Exhibit A. The factual allegations in this Motion are based upon

the Division's information and belief arising out of its investigation. This motion is based on the factual allegations and legal argument set forth below.

FACTUAL ALLEGATIONS

1 Respondent voluntarily signed the stipulated agreement on August 30, 2007. The Division issued the Order sanctioning Respondent's license on September 4, 2007.

2 Paragraph 13 of the stipulated agreement provides that any violation of the terms of the stipulated agreement by Respondent constitutes the basis for initiation of disciplinary action by the Division against Respondent. The disciplinary action may be imposition of an appropriate sanction, including revocation or suspension of Respondent's license. In Paragraph 10 of the stipulated agreement Respondent agreed to abide by all applicable federal and state laws, regulations, rules and orders related to Respondent's practice as a nurse.

4 Respondent has violated the terms and conditions of the stipulated agreement in the following respects:

a Respondent violated subparagraph 8(1)(l) and (r) of the stipulated agreement by submitting a sample for drug analysis which returned a positive result for the presence of ethyl glucuronide. Respondent agreed to abstain from the use of alcohol. Respondent provided a sample for drug and alcohol analysis, and the sample resulted in a positive test result on the following dates:

- (1) ethyl glucuronide on or about February 11, 2008,
- (2) ethyl glucuronide on or about March 10, 2008, and
- (3) ethyl glucuronide on or about July 16, 2008.

Respondent admitted in a letter written to the Division on August 11, 2008 that she drank alcohol a day or two before the July 16, 2008 test.

b Respondent violated subparagraph 8(1)(r) of the stipulated agreement by failing to provide samples for drug analysis upon the request of the Division or its designated company on the following dates:

- (1) November 17, 2007,
- (2) December 20, 2007,
- (3) January 2, 2008,
- (4) January 28, 2008,
- (5) April 27, 2008,
- (6) May 16, 2008,
- (7) June 9, 2008,
- (8) July 7, 2008,
- (9) August 6, 2008, and
- (10) August 15, 2008

In her letter of August 11, 2008 described above, Respondent admitted that she did not provide a sample on August 6, 2008 because she had consumed alcohol before August 6, 2008 and knew she would test positive

- c Respondent violated subparagraph 8(1)(n) of the stipulated agreement by receiving prescriptions from more than one prescribing practitioner and filling prescriptions at more than one pharmacy Respondent received prescriptions between September 11, 2007 and June 2, 2008, from five different prescribing practitioners and three different pharmacies
- d Respondent violated subparagraph 8(1)(m)(iii) of the stipulated agreement by failing to successfully complete a physical evaluation and send the evaluation report form to the Division
- e Respondent violated subparagraph 8(1)(t) of the stipulated agreement by failing to submit periodic therapy reports to the Division in October 2007, November 2007, January 2008, April 2008, and July 2008
- f Respondent violated subparagraph 8(1)(v) of the stipulated agreement by failing to submit documentation showing that Respondent attended a professional support group on a periodic basis in September 2007, February 2008, April 2008, and July 2008

LEGAL ARGUMENT

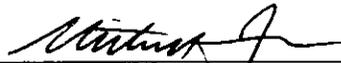
As Respondent has violated the terms and conditions of probation, Respondent is in violation of the stipulated agreement Violation of the terms of the stipulated agreement constitutes unprofessional conduct as set forth in Utah Code Ann § 58-1-501(2)(a) Utah Code

Ann § 58-1-401(2)(a) 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 or unlawful conduct

The Division has shown good cause for this motion. If Respondent fails to show why Respondent's probation and license to act as a registered nurse in the State of Utah should not be revoked, Division requests that an order be issued revoking Respondent's license and any residual rights pertaining to such license

DATED this 27th day of August 2008

MARK L SHURTLEFF
ATTORNEY GENERAL



L MITCHELL JONES
ASSISTANT ATTORNEY GENERAL

