

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 LICENSES OF : **NOTICE OF AGENCY ACTION**
STEVEN KENT BOOTH : **AND ORDER TO**
TO PRACTICE AS A REGISTERED NURSE : **SHOW CAUSE HEARING**
AND AS A HEALTH FACILITY :
ADMINISTRATOR IN THE STATE OF UTAH : Case No. DOPL-OSC-2007-194

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
Steven Kent Booth ("Respondent"), Nevada MO
64772.

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

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 licenses to practice as a registered nurse and as a health facility administrator 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 licenses to practice as a registered nurse and as a health facility administrator 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 TBD, of the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

August 11, 2011

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 Lenore Epstein, 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 Ms Epstein.

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.

Please conduct yourself accordingly

Dated this 10TH day of May, 2011.

W. Ray Walker
W. Ray Walker
Regulatory & Compliance
Officer



LENORE EPSTEIN (USB 6723)
ASSISTANT ATTORNEY GENERAL
MARK L SHURTLEFF (USB 4666)
ATTORNEY GENERAL
Counsel for the Division of Occupational
and Professional Licensing
Heber M Wells Building, 5th Floor
160 East 300 South - Box 140872
Salt Lake City, Utah 84114-0872
Telephone. (801) 366-0310

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF
STEVEN KENT BOOTH TO PRACTICE
AS A REGISTERED NURSE AND TO ACT
AS A HEALTH CARE ADMINISTRATOR
IN THE STATE OF UTAH

ORDER TO SHOW CAUSE

Case No DOPL-OSC-2007-194

The State of Utah, Department of Commerce, Division of Occupational and Professional Licensing (Division), through Lenore Epstein, Assistant Attorney General, moves for an order requiring Steven Kent Booth (Respondent) to appear at a time and date certain and to show cause, if any, as to why Respondent's licenses to practice as a registered nurse (RN) and to act as a health care administrator (HCA) in the State of Utah should not be revoked for Respondent's failure to comply with the terms and conditions of the Findings of Fact, Conclusions of Law, and Order (the Order) entered on August 4, 2008, and amended on February 18, 2010 in Division case numbers 2007-194 and 2007-202. This motion is based on the factual allegations and legal argument set forth below.

FACTUAL ALLEGATIONS

1 On August 4, 2008, after a formal hearing which was held before the Utah Board of Nursing (Board) on May 24, 2008, the Division entered an Order finding that Respondent had obtained, possessed and used controlled substances which were not legally prescribed to him while working in a home health care setting and had knowingly made false statements to the Division regarding his use and misappropriation of prescription drugs from home health care patients. The Order imposed a five year term of probation on Respondent's licenses to practice as an RN and HCA under the following restrictions and conditions

16 If Respondent is employed as a registered nurse, he shall provide a copy of the Order entered in this proceeding to his employer. Respondent shall also cause his employer to submit written performance evaluations to the Division on a quarterly basis. Those reports shall identify the general nature of Respondent's duties as a registered nurse and any concerns noted by Respondent's supervisor regarding his employment in that regard.

17 Respondent shall notify the Division in writing within one (1) week of any change of employer, employment status, or practice status. That notification shall be required, regardless of whether Respondent is employed as a registered nurse.

25 The Division may take appropriate action to impose further licensing sanctions if

(ii) Respondent violates any federal, state or local law relating to Respondent's practice, the Controlled Substance Act or any term or condition of this Order.

The last paragraph of the Order states as follows

Should Respondent fail to comply with the terms and conditions set forth herein, or violates any statute or rule governing his license as a registered nurse, further proceedings shall be conducted and a determination made whether the stay of enforcement should be vacated and the revocation of Respondent's nursing license should become effective.

2 On February 18, 2010, the Order was amended to terminate the condition restricting Respondent's access to controlled substances and providing that all other conditions and restrictions of the order shall remain in place

3 Respondent has violated the restrictions and conditions placed on his licenses in the following respects

- a On or about August 24, 2010 Respondent was hired by Nevada Regional Medical Center (NRMC) in Nevada, Missouri as Director of Home Health and Hospice Respondent's duties included supervising and training nurses and staff in home health care, filling in for home health care nurses and staff who were ill or otherwise unavailable, and serving as the on-call nurse for one week per month The position required that Respondent administer and account for controlled substances without on-site nursing supervision.
- b When Respondent was hired by NRMC, Respondent presented his recruiter and NRMC with a certificate of expungement eligibility and repeatedly represented to his recruiter and to NRMC personnel that his probation in Utah resulted from a criminal theft conviction which would be expunged, and that his probation in Utah would be terminated once he submitted the order of expungement to the Division
- c Respondent did not provide a copy of the order to NRMC, notify NRMC of the reasons for disciplinary action in Utah or the conditions of his probation, or cause NRMC to submit written performance evaluations to the Division
- d On September 9, 2010, in a probationary interview with a member of the Utah Board of Nursing, Respondent stated that his employer/peer monitor was Kim Bastrow, RN Ms Bastrow in fact reported to Respondent
- e On December 1, 2010 Respondent submitted a falsified employer report dated November 30, 2010 to the Division The employer report contained a forged signature indicating it had been signed by Kim Bastrow, RN, and stated that Respondent was an administrator at NRMC. Neither Kim Bastrow nor any other person at NRMC knew of or signed the employer report
- f On January 27, 2011 Respondent was issued a probationary license to practice as an RN in Missouri The license restricted Respondent from working as a nurse without on-site supervision or working in health care or hospice, carrying narcotic keys, having access to controlled substances

from automatic dispensing devices, or administer, possess, dispense or otherwise have access to controlled substances

- g On February 4, 2011, NMRC staff became aware of the restrictions on Respondent's Missouri license and obtained a copy of the Utah order from the Nevada Board of Nursing. When NRMC staff confronted Respondent he continued to maintain that his probation in Utah was due to his criminal conviction, and that both Utah and Missouri would terminate his probation as soon as the expungement went through. Respondent was informed that he would be terminated because he was not allowed to pass narcotics or work in home health care or hospice, but was allowed to resign voluntarily.
- h On or about March 21, 2011, Respondent was hired by Christian Health Care in Springfield, Missouri as an RN.
- i Respondent did not report his change in employment status to the Division in writing. The Division did not discover Respondent's change in status until May 9, 2011, when a staff member of the Division asked Respondent whether he was currently employed.
- j As of the date of this verified order to show cause, Respondent has not disclosed to his employer that he holds a probationary license in Utah, has not provided his employer with a copy of the Order, and has not notified *his employer of any of the restrictions and requirements placed on his license by the Order*.

LEGAL ARGUMENT

Because Respondent has violated the terms and conditions of the Order, including violations of state and local laws relating to his practice, Respondent is in violation of the Order. Violation of the Order constitutes unprofessional conduct as provided in Utah Code Ann § 58-1-501(2)(a) (2008). The Division may revoke, suspend, restrict, place on probation, or otherwise act upon the license of an individual who has engaged in unprofessional conduct. Utah Code Ann § 58-1-401(2)(a) (2008).

The Division has shown good cause for this motion. If Respondent fails to show why Respondent's license should not be revoked, the Division requests that an order be issued

imposing a financial penalty and revoking Respondent's license to practice as a registered nurse and to act as a health care administrator in the State of Utah

DATED this 9th day of May, 2011

MARK L SHURTLEFF
ATTORNEY GENERAL



LENORE EPSTEIN
Assistant Attorney General

VERIFICATION

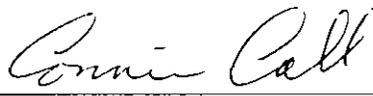
STATE OF UTAH)
 SS
COUNTY OF SALT LAKE)

Connie Call, first being duly sworn, states as follows

1 I am a Compliance Assistant 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 9th day of May, 2011



Connie Call

Subscribed and sworn to before me this 9 day of May, 2011



NOTARY PUBLIC

