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

IN THE MATTER OF THE LICENSES OF : **STIPULATION AND AGREEMENT
KOUROSH GHAFFARI AND ORDER**
TO PRACTICE AS A :
PHYSICIAN AND SURGEON :
AND TO ADMINISTER AND PRESCRIBE :
CONTROLLED SUBSTANCES : **CASE NO. DOPL 2007-196**
IN THE STATE OF UTAH :

STIPULATION AND AGREEMENT

Kouros Ghaffari ("Respondent") and the Division of Occupational and Professional Licensing of the Utah Department of Commerce of the State of Utah (the "Division") stipulate and agree as follows

1 Respondent is represented in the above-entitled matter by attorney Ronald J Yengich and signs this Stipulation and Agreement ("Stipulation") with the advice of counsel

2 Respondent is licensed in the State of Utah by the Division to practice as
a physician and surgeon and to administer and prescribe controlled substances

3 Respondent acknowledges that he enters into this Stipulation knowingly
and voluntarily

4 Respondent admits the jurisdiction of the Division over him and over the
subject matter of this action

5 Respondent understands that, prior to the entry of the Order which is
based on this Stipulation, he is entitled to the issuance of a Petition and Notice of
Agency Action

6 Respondent understands that, prior to the entry of the Order which is
based on this Stipulation, he is entitled to a hearing on any such Petition before the
Utah State Physicians 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

7 Respondent waives such right to the issuance of a Petition and Notice of
Agency Action, such right to a hearing, and any other rights to which Respondent may
be entitled prior to the entry of the Order which is based on this Stipulation

8 On August 22, 2007, Respondent entered a plea of guilty to the charge of
Obtaining a Prescription under False Pretenses in violation of Utah Code Ann § 58-37-
8(3)(a)(ii), a Third Degree Felony, in Case No 061500357 before the Fifth Judicial
District Court, in and for Iron County, State of Utah Respondent entered said plea in
resolution of allegations of criminal conduct raised against Respondent and pertaining to

his medical practice as the owner of and sole practitioner at Valley View Pediatrics,
1333 North Main Street, Cedar City, Utah

9 Respondent acknowledges that allegations are asserted herein against Respondent's licenses and shall be addressed in the above-entitled matter that, in and between 2004 and 2006, Respondent engaged in unlawful and unprofessional conduct including, but not limited to, the following

- a Respondent obtained possession of controlled substances by issuing prescriptions under false names and by issuing prescriptions to patients for quantities of controlled substances in excess of patient needs,
- b Respondent used employees of Valley View Pediatrics to present to pharmacies false prescriptions issued by Respondent for controlled substances and to provide controlled substances dispensed on said prescriptions, in whole or in part, to Respondent,
- c Respondent possessed controlled substances which Respondent had not obtained under valid prescriptions or orders,
- d Respondent compounded and dispensed controlled substances without a license to do so,
- e Respondent, through Valley View Pediatrics, purchased large quantities of controlled substances including, but not limited to, Hydrocodone, a Schedule II controlled substance, and was not able to document the lawful administration or disposition of said controlled substances,
- f Respondent failed to make and/or maintain complete and accurate records, apart from patient records, documenting the ordering, purchase, acquisition, administration, and/or disposition of the controlled substances,
- g Respondent surrendered his Drug Enforcement Administration ("DEA") registration during the course of the DEA's investigation into allegations that Respondent had engaged in unlawful conduct, and
- h Respondent entered a plea of guilty in Case No 061500357 to the

charge of Obtaining a Prescription under False Pretenses

10 Respondent acknowledges that the conduct alleged in Paragraphs 8 and 9 herein, if proven or admitted, would constitute grounds to impose sanctions against Respondent's licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah

11 Counsel for Respondent will be absent from the State of Utah for a period of three weeks beginning on September 1, 2007 Respondent requests that the Division accord Respondent four weeks to provide Respondent an opportunity to address the Division through Counsel in negotiation regarding administrative action against his licenses

12 Respondent further represents that he enters into this stipulation consistent with Respondent's current intention not to practice medicine, Respondent's closure of his medical practice at Valley View Pediatrics, and Respondent's agreement, as a term of his entry of guilty plea in Case No 061500357, not to renew his license to practice medicine in January 2008

13 Respondent at this time neither admits nor denies any unprofessional or unlawful conduct, but agrees that an order may be entered suspending Respondent's licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah pending the final resolution of administrative action against said licenses Respondent acknowledges that his licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah will expire on January 31, 2008 Respondent agrees that he will permit said licenses to expire and will not apply to renew or reinstate said licenses pending the

final resolution of administrative action against said licenses

14 On or after October 15, 2007, the Division shall file a motion requesting the relief it feels would be appropriate in a final order resolving this matter. If the Division then believes the suspension of Respondent's licenses and the restriction on Respondent's ability to renew or reinstate licensure are no longer necessary, it shall seek an order to that effect. On the other hand, if the Division believes that said suspension and restriction should continue in effect or be modified, or if it feels other sanctions against Respondent's licenses should be ordered, including revocation of licensure, then it shall seek an order to that effect, specifying the grounds for its motion.

15 If the Division does seek a final order to revoke Respondent's licenses or a final order that would impose any kind of permanent restriction on or sanction against Respondent's licenses, then the procedures that would normally apply when a petition and notice of agency action are issued seeking sanctions against a license shall apply, including the right to discovery and the right to a hearing.

16 The suspension of Respondent's licenses and the restriction against Respondent's ability to renew or reinstate licensure shall remain in effect until the presiding officer, on motion by Division for a final order in this matter, issues an order terminating said suspension and restriction.

17 Respondent shall provide all employers with a copy of this Stipulation and Order and, within one (1) week of the entry of the Order herein, shall submit written proof to the Division that Respondent has complied with this provision.

18 Respondent shall notify the Division in writing within one (1) week of any change in employer, employment status, or practice status.

19 Respondent shall notify the Division in writing within one (1) week of any change in Respondent's residential or business address

20 Respondent shall pay all costs, if any, associated with this Stipulation and Order

21 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and the 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 sanction

22 If Respondent violates (a) any term or condition of this Stipulation and Order or (b) any federal, state, or local law or administrative rule, the Division may take further action against Respondent's licenses including imposing appropriate sanctions, in the manner provided by law Such sanctions may include emergency proceedings and/or revocation of Respondent's licenses and/or other appropriate sanctions

23 Respondent acknowledges that the Director of the Division is not required to approve the terms of this Stipulation If the Director does not so approve, this Stipulation shall be null and void, provided, however, the Division and Respondent

waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive any such nullification

24 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

25 Respondent acknowledges that this Stipulation constitutes the entire agreement between the parties and supersedes any and all prior negotiations, representations, understandings, or agreements between the parties regarding the subject matter of this Stipulation. There are no verbal agreements which modify, interpret, construe, or affect this Stipulation

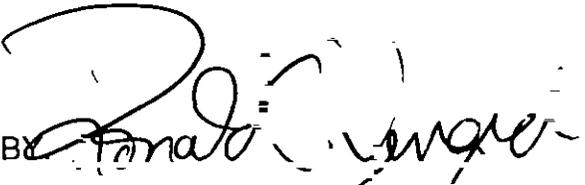
26 Respondent has read and understands each and every paragraph

contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

RESPONDENT

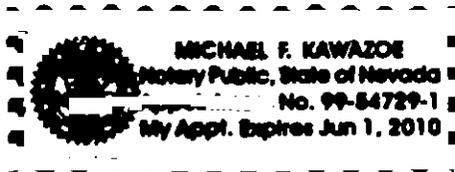
COUNSEL FOR RESPONDENT

BY 
KOUROSH GHAFFARI, M.D.
Respondent
DATE 09/14/2007

BY 
RONALD J. YENGICH
Counsel for Respondent
DATE Sept 3, 2007

STATE OF Nevada)
COUNTY OF Clark) ss

The foregoing document, Stipulation and Agreement and Order, was acknowledged before me this 14th day of September, 2007, by Kourosh Gaffari




NOTARY PUBLIC

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

MARK L SHURTLEFF
UTAH ATTORNEY GENERAL

BY 
DIANA BAKER
Bureau Manager
DATE 9/18/07

BY 
JUDITH A. JENSEN
Counsel for the Division
DATE September 18, 2007

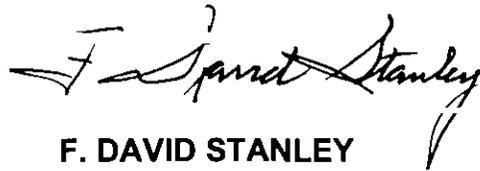
ORDER

The Director of the Division of Occupational and Professional Licensing, having read the foregoing Stipulation and Agreement and being fully advised, and good cause appearing,

IT IS HEREBY ORDERED that the above Stipulation and Agreement in the matter of the licenses of Kouros Ghaffari to practice as a Physician and Surgeon and to administer and prescribe controlled substances in the State of Utah is 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 and Agreement are incorporated herein and constitute my final Order in this case.

DATED this 19 day of September, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F. DAVID STANLEY
Director
Division of Occupational and
Professional Licensing