

JUDITH A JENSEN (4603)
Assistant Attorney General
MARK L SHURTLEFF(4666)
UTAH ATTORNEY GENERAL
Attorneys for the Utah Division of
Occupational and Professional Licensing
P O Box 140872
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114-0872
Telephone (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 LICENSES OF
KOUROSH GHAFFARI
TO PRACTICE AS A
PHYSICIAN AND SURGEON AND TO
ADMINISTER AND PRESCRIBE
CONTROLLED SUBSTANCES
IN THE STATE OF UTAH

STIPULATION AND ORDER

Case No DOPL 2007- 196

Administrative Law Judge J Steven Eklund

STIPULATION

Kourosh Ghaffari ("Respondent") and the Division of Occupational and Professional Licensing of the 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 acknowledges that he enters into this Stipulation knowingly and voluntarily

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

4 On September 19, 2007, the Division entered a Stipulation and Agreement and Order in the above-entitled matter that suspended 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 his licenses. A copy of the Stipulation and Agreement and Order of September 19, 2007 is attached hereto as Exhibit A

5 On January 31, 2008, Respondent's licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah expired. In accordance with the Stipulation and Agreement and Order of September 19, 2007, Respondent has not filed an application to reinstate said licenses

6 Respondent admits that, between 2004 and 2006, Respondent conducted a private practice as a physician and surgeon at Valley View Pediatrics, P C , located at 1333 North Main Street in Cedar City, Utah. Respondent owned Valley View Pediatrics and practiced there as the only physician on staff

7 Respondent admits that, between 2004 and 2006 and during the course of his medical practice at Valley View Pediatrics, Respondent engaged in the following Unlawful and Unprofessional Conduct

- a Respondent obtained possession of controlled substances by issuing false prescriptions Said conduct constitutes "Unlawful Conduct," pursuant to UTAH CODE ANN § 58-37-8(3)(a) (West Supp 2007) and "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-1-501(2)(a) (West Supp 2007) and UTAH CODE ANN § 58-67-502 (West 2004)
- b Respondent obtained possession of controlled substances by issuing prescriptions to patients for quantities of controlled substances in excess of patient needs Said conduct constitutes "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-1-501(2)(a) (West Supp 2007), UTAH CODE ANN § 58-37-6(7)(i)(West Supp 2007), and UTAH CODE ANN § 58-67-502 (West 2004)
- c Respondent used employees of Valley View Pediatrics to present false prescriptions for controlled substances to pharmacies and then provide the controlled substances dispensed on the prescriptions, in whole or in part, to Respondent Said conduct constitutes "Unlawful Conduct" pursuant to UTAH CODE ANN § 58-37-8(3)(a) (West Supp 2007) and "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-1-501(2)(a) (West Supp 2007) and UTAH CODE ANN § 58-67-502 (West 2004)
- d Respondent possessed controlled substances which Respondent did not obtain under valid prescriptions or orders Said conduct constitutes "Unlawful Conduct" pursuant to UTAH CODE ANN § 58-37-8(2)(a) (West Supp 2007) and "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-1-501(2)(a) (West Supp 2007) and UTAH CODE ANN § 58-67-502 (West 2004)
- e Respondent compounded and dispensed controlled substances and thus engaged in the practice of Pharmacy when Respondent was not licensed to engage in Pharmacy and was not exempted from licensure Said conduct constitutes "Unlawful Conduct" pursuant to UTAH CODE ANN § 58-1-501(1)(a)(i) (West Supp 2007) and "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-1-501(2)(a) (West Supp 2007) and UTAH CODE ANN § 58-67-502 (West 2004)
- f 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. Said conduct constitutes "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-37-6(5)(b) (West Supp 2007) and UTAH CODE ANN § 58-1-501(2)(a) (West Supp 2007) and UTAH CODE ANN § 58-67-502 (West 2004)

8 Respondent further admits the following

- a On August 22, 2007, Respondent, in Case No 061500357 before the Fifth Judicial District Court, in and for Iron County, State of Utah, entered a plea of guilty to the criminal offense of Obtaining a Prescription under False Pretenses in violation of UTAH CODE ANN § 58-37-8(3)(a)(ii), a Third Degree Felony. In entering the plea, Respondent admitted that on or about March 2, 2006 he issued a false prescription in the name of a child of a clinic employee for Tussionex, a Schedule III controlled substance, and that Respondent received all of the controlled substance which was issued on this prescription. Respondent's conduct resulting in the entry of a plea of guilty in Case No 061500357 constitutes "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-1-501(2)(c) (West Supp 2007) and UTAH CODE ANN § 58-67-502 (West 2004)
- b On or about July 30, 2006, Respondent surrendered his Drug Enforcement Administration ("DEA") registration during the DEA's investigation into allegations that Respondent had engaged in unlawful conduct in the course of his medical practice. Respondent's surrender of his DEA registration constitutes "Unprofessional Conduct" pursuant to UTAH CODE ANN § 58-1-501(2)(d) (West Supp 2007) and UTAH CODE ANN § 58-67-502 (West 2004)

9 Respondent admits that the Unlawful and Unprofessional Conduct described in Paragraphs 7 and 8 constitutes grounds for the Division to take disciplinary action against Respondent's licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in accordance with the following

- a UTAH CODE ANN § 58-1-401(2)(a) and (b) (West 2004) provides that the Division may refuse to renew or may revoke, suspend,

restrict, place on probation, or otherwise act upon a license if the licensee has engaged in unprofessional or unlawful conduct, and

- b Pursuant to UTAH CODE ANN § 58-37-6(4)(a)(vi) (West Supp 2007), the Division may suspend, place on probation, or revoke a license to administer and prescribe controlled substances upon finding that the licensee has violated any division rule that reflects adversely on the licensee's reliability and integrity with respect to controlled substances

10 Respondent understands that, in accordance with the terms of the Stipulation and Agreement and Order of September 19, 2007, Respondent is entitled to the filing of a motion by the Division for entry of a final order, to a hearing on such motion, and to discovery and other procedures that would normally apply when a petition and notice of agency action are issued seeking sanctions. Such hearing would be held before the Utah 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.

11 Respondent waives the rights to the filing of a motion for entry of a final order, to a hearing on the motion, and to discovery and any other rights to which Respondent may be entitled in connection with said hearing.

12 Respondent agrees that, in lieu of further administrative proceedings addressing the conduct admitted in Paragraphs 7 and 8 herein, the Division may enter an Order, effective immediately, providing for the following terms and conditions:

- a **Respondent waives his right to submit any application to reinstate his expired licenses; Respondent shall not submit any application for new licensure until September 19, 2009.** Respondent's licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah expired in January 2008 Respondent waives his right to submit any application to reinstate said expired licenses

Respondent shall not submit any application for new licensure to practice as a physician and surgeon and/or to administer and prescribe controlled substances in the State of Utah prior to September 19, 2009, two years subsequent to the date of Respondent's surrender of licensure in this State

- b **Documentation and records to be submitted with any application for licensure on or after September 19, 2009.** Respondent shall submit the following with any application for licensure on or after September 19, 2009

- (1) Verification that within six (6) months prior to any such application Respondent has taken and obtained a passing score on the Special Purpose Examination of the Federation of State Medical Boards (SPEX),
- (2) Verification that within six (6) months prior to any such application Respondent has successfully completed a chemical dependency and psychological evaluation conducted by a Division approved evaluator, and
- (3) A copy of the evaluation report for said chemical dependency and psychological evaluation including, but not limited to, the evaluator's recommendations, if any, for future treatment and aftercare

- c **Division discretion to approve or deny any application for licensure submitted on or after September 19, 2009.** If on or after September 19, 2009 Respondent submits to the Division any application(s) for license to practice as a physician and surgeon and/or to administer and prescribe controlled substances in the State of Utah, the Division and Board shall have discretion to approve or deny any such application(s)

d **Terms and conditions of probation for licensure on or after September 19, 2009.** If on or after September 19, 2009 the Division and Board determine to grant Respondent any application(s) for licensure to practice as a physician and surgeon and/or to administer and prescribe controlled substances, any such license(s) shall be placed on probation for a period of five (5) years including, but not limited to, the terms and conditions provided below. If during the period of probation the Division and Board deem any of the terms and conditions to be unnecessary, the Division may unilaterally issue an amended order deleting said terms and conditions.

(1) **Attendance and participation at scheduled Board interviews.** Respondent shall meet with the Division and Board on a quarterly basis, or at such other greater or lesser frequency as determined by the Division and Board, for the duration of the probationary period thereafter. Respondent shall meet with the Division and Board at the Board's first scheduled meeting after licensure is granted. Prior to the first meeting with the Division and Board, Respondent shall meet with a Division staff member to review the terms of this Stipulation and Order.

Respondent shall notify the Division and Board prior to the date on which a Board interview is scheduled if Respondent is unable to attend that interview.

(2) **Schedule for submission of reports and documentation to the Division and Board.** All reports and documentation required in this Stipulation and Order shall be submitted to the Division and Board on a monthly basis for the first six (6) months of probation. If Respondent is in compliance with all terms and conditions of the Stipulation and Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis.

- (3) **Requirements for treatment and aftercare.** Respondent shall participate in and successfully complete any treatment and/or aftercare that is recommended in the evaluation report based on the chemical dependency and psychological evaluation referenced in Paragraph 12(b)(3). Respondent shall obtain all said treatment and aftercare through a treatment provider(s) approved by the Division and Board. Respondent shall authorize all approved treatment providers from whom Respondent has received or will receive treatment or aftercare to discuss Respondent's diagnosis, treatment, and prognosis with the Division and Board.

Respondent shall also cause his approved treatment provider(s) to submit reports to the Division and Board in accordance with the schedule defined in Subparagraph 12(d)(2) above. Said reports shall address Respondent's progress in treatment and/or aftercare and Respondent's prognosis.

Respondent may be subject to re-evaluation upon notice and opportunity to be heard.

In the interest of public safety, the Division and Board may impose additional requirements above and beyond those recommended in said evaluation report. Respondent agrees to comply with these additional requirements which may include the following:

- (a) The Division and Board may require Respondent to participate in and regularly attend a professional support group to address Respondent's use of controlled substances. Regular attendance for the purpose of this paragraph shall be at least twice a month.

Respondent shall submit documentation of his continuing and regular attendance at such support group meetings in accordance with the schedule defined in Subparagraph 12(d)(2) above.

- (b) The Division and Board may require Respondent to attend a 12-step program for substance abuse, have a sponsor, and work the 12-step program. The frequency of Respondent's attendance shall be approved by the Division and Board. Unless otherwise directed, Respondent shall attend at least two (2) times per month.

Respondent shall submit documentation of his participation and involvement in the 12-step program in accordance with the schedule defined in Subparagraph 12(d)(2) above.

- (4) **Abstention from the use and possession of alcohol, conditions restricting the use and possession of controlled substances and mood-altering substances, and testing.** Although the use and possession of alcohol is generally legal for persons age twenty-one and older, Respondent shall abstain from the personal use and possession of alcohol in any form.

Respondent shall abstain from the personal use and possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent by another licensed practitioner for the treatment of a current bona fide illness or condition and such controlled substance or prescription drug is taken by Respondent in accordance with that practitioner's instructions.

Respondent shall abstain from the use of any and all other mood-altering substances or the use of mood-altering substances for any other purpose than the purpose for which the substance is intended.

- (5) **Prescribing practitioner and pharmacy.** Respondent shall, unless otherwise approved by the Division and Board or as otherwise provided herein, receive prescriptions from only one prescribing practitioner, and Respondent shall fill prescriptions at only one pharmacy. Respondent shall not obtain the same or equivalent prescription drug or controlled substance from more than one practitioner. All prescribing

↑

practitioners must be informed of any and all of Respondent's addiction and abuse problems

Respondent shall not undertake, under any circumstance, to obtain prescription drugs in quantities or types that are not legitimately required

Respondent shall submit the names of his prescribing practitioner and pharmacy to the Division and Board for approval. Respondent shall provide the Division and Board with a copy of all of Respondent's prescriptions for prescription drugs, controlled substances, and any other mood-altering substances, within forty-eight (48) hours after the prescription has been written

- (6) **Report of prescriptions issued on a referral or emergency basis.** Respondent shall submit to the Division and Board copies of any prescriptions issued by a licensed practitioner treating Respondent on a referral basis or by a licensed practitioner treating Respondent in an emergency. Respondent shall submit all such prescriptions to the Division and Board within forty-eight (48) hours of their issuance. Respondent shall report to the Division and Board within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Respondent by any other individual
- (7) **Report of use of mood-altering medications and/or controlled substances.** Respondent shall report to the Division and Board within forty-eight (48) hours any and all mood-altering medications or controlled substances ingested or injected by Respondent from any source
- (8) **Report of providing the Stipulation and Order to the primary prescribing practitioner.** Respondent shall provide to his primary prescribing practitioner a copy of this Stipulation and Order, and Respondent shall cause his primary prescribing practitioner to acknowledge to the Division and Board, in writing, having received a copy of this Stipulation and Order

(9) **Testing.** Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis, which may include analysis for alcohol and/or controlled substances, upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct drug testing. The designated company may also request such samples and Respondent shall comply with such requests. The Division shall determine when and where Respondent is to submit himself for testing. Respondent shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing including, but not limited to, forms authorizing the company to send the drug test results to the Division.

(10) **Testing reports that constitute violations of the Stipulation and Order.** Any report from a drug testing company that indicates that Respondent failed to provide a sample for drug analysis as directed will be considered a positive drug test result for Respondent and shall constitute a violation of this Stipulation and Order.

Any drug test result or pattern of results that indicates that the sample provided by Respondent for drug analysis is diluted to an extent that it cannot be analyzed will be considered a positive drug test result for Respondent and shall constitute a violation of this Stipulation and Order.

(11) **Restricted practice.** Respondent shall be restricted in his practice as a physician and surgeon and shall comply with terms and conditions of restricted practice as follows:

(a) **Private practice to be in accordance with a Practice Plan.** Respondent shall practice in accordance with a Practice Plan if he engages in private practice. The terms and conditions of the Practice Plan must be received and approved by the Division and Board before Respondent begins private practice.

- (b) **Restriction from supervising others without prior approval of the Division and Board.** Respondent shall not supervise medical students, physicians assistants, or other licensees, unless he obtains the prior approval of the Division and Board to do so
- (c) **Respondent's practice shall be supervised.** All practice as a physician and surgeon, regardless of Respondent's employment status, shall be supervised by a Supervising Physician in accordance with the following terms and conditions
- I Respondent's practice shall be supervised by a physician approved by the Division and Board Said Supervising Physician shall be in good standing with the Division and shall have no financial, business, or personal relationship with Respondent
 - II Before beginning practice as a physician and surgeon, Respondent shall cause the Supervising Physician to meet with the Division and Board to discuss oversight issues and the responsibilities expected of a Supervising Physician
 - III Before beginning practice as a physician and surgeon, Respondent shall provide the Supervising Physician with a copy of this Stipulation and Order and, if Respondent shall engage in private practice, the Practice Plan Before beginning practice, Respondent shall also cause the Supervising Physician to submit written verification to the Division and Board that (a) the physician has received and read a copy of this Stipulation and Order and, if Respondent shall engage in private practice, the Practice Plan and (b) agrees to supervise Respondent's practice in accordance with the terms and conditions of this Stipulation and Order and, if Respondent shall engage in private practice, the Practice Plan

- IV The Supervising Physician shall review ten percent (10 %) of Respondent's active charts at the expense of Respondent. The Supervising Physician shall select the charts that shall be reviewed and shall evaluate Respondent's compliance with the standards and ethics of medical practice and with federal and state laws and regulations pertaining to the following: the **care of patients** and the documentation thereof, the **issuance of prescriptions** and documentation thereof, and the **handling, administration, retention and storage, and disposal of controlled substances**, and the documentation thereof.
- V The Supervising Physician shall consult with Respondent on a weekly basis regarding practice issues.
- VI Respondent shall cause the Supervising Physician to submit evaluations of Respondent's performance in accordance with the schedule provided in Subparagraph 12(d)(2) above. Said evaluations shall assess Respondent's compliance with all terms and conditions of this Stipulation and Order, the Practice Plan if Respondent is engaged in private practice, and the statutes, rules, and standards of practice and ethics governing the practice of medicine in the State of Utah.

An unfavorable evaluation by the Supervising Physician may be considered to be a violation of probation.

- (12) **Course on the prescription of controlled substances.** Within twelve (12) months of licensure, Respondent shall complete a course on the prescription of controlled substances that has been pre-approved by the Division and Board. The course hours shall not count toward the regular continuing professional education requirement for license.

renewal Respondent shall provide documentation to the Division and Board of successful completion of the course

- (13) **Essay.** Within ninety (90) days of licensure, Respondent shall submit an essay to the Division and Board describing the effects of Respondent's misconduct on his practice, his patients, and his profession
- (14) **Successful completion of all criminal sanctions imposed prior to the date of licensure.** Respondent shall complete successfully all terms and conditions of any criminal sanctions that were incurred prior to the effective date of this Stipulation and Order, including probation or parole If Respondent has not successfully completed all the terms and conditions of Respondent's criminal probation or parole at the time Respondent's administrative probationary period ends, the period of Respondent's administrative probation shall be extended until all the conditions of Respondent's *criminal probation or parole have been successfully completed*
- (15) **Compliance with laws, ordinances, rules, and orders.** Respondent shall not violate any federal, state, or local law or ordinance and shall not violate any federal or state law, rule, or order regulating Respondent's practice as a physician or his licenses to practice in the State of Utah
- (16) **Report of providing a copy of this Stipulation and Order to employers and submission of Employer Reports.** Within ten (10) days of licensure and prior to beginning employment with any new employer(s), Respondent shall notify all employer(s) of Respondent's restricted status and provide all employer(s) with a copy of the Stipulation and Order herein Respondent shall cause each employer to acknowledge to the Division and Board, in writing, that Respondent provided a copy of this Stipulation and Order to the employer for its information and review

Respondent shall further cause Respondent's employer(s) to submit performance evaluations to the Board in accordance with the schedule provided in Subparagraph 12(d)(2) above

The receipt of an unfavorable report may be considered to be a violation of probation

(17) **Duty to submit an Employer Report in timely manner if not employed as a physician or if not employed.** If Respondent is not currently employed or if Respondent is not currently practicing as a physician, Respondent shall submit an Employer Report form on all dates that Employer Reports are due in accordance with the schedule provided in Subparagraph 12(d)(2) above. Respondent shall report on all such Employer Report forms the dates during which Respondent was not employed or was not practicing as a physician

(18) **Hours of practice required to complete probation.** Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" as a physician

The period of time during which Respondent does not practice as a physician shall not be counted toward the probationary time period of this Stipulation and Order. It shall be within the discretion of the Division and Board to modify this requirement if Respondent satisfactorily explains to the Division and Board that compliance in Respondent's case is impractical or unduly burdensome

(19) **Duty to report absence from the State of Utah.** If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall immediately notify the Division and Board in writing of the dates of Respondent's departure and return

If Respondent relocates to a different state, he shall, within twenty (20) calendar days of moving from Utah, provide the licensing authorities of the jurisdiction to which he moves with written notification of his probationary status in Utah and with a copy of this Stipulation and Order. Within twenty (20) days of moving, Respondent shall also submit written verification to the Division and Board that he has complied with this Subparagraph

Periods of residency or practice outside the State of Utah may apply to the reduction of the five-year period of probation if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order

- (20) **Additional events requiring written notification to the Division and Board.** Respondent shall notify the Division and Board in writing within ten (10) calendar days of any of the following events
- (a) any change in Respondent's residential or business address,
 - (b) any change in employer, employment status, or practice status, regardless of whether Respondent is employed in Respondent's profession as a physician and surgeon,
 - (c) if Respondent is arrested, charged, convicted, or enters a plea in abeyance to a criminal offense, in any jurisdiction, inside or outside the State of Utah, for any reason, and
 - (d) if Respondent is admitted as a patient to any institution in this State or elsewhere for treatment regarding the abuse of or dependence on any chemical substance or for treatment of any emotional or psychological disorder
- (21) **Extension of the period of probation upon filing of a petition or order to show cause.** If a petition or order to show cause is filed against Respondent during his probation, the period of probation shall be extended until the matter in the petition and order to show cause is finalized
- (22) **Duty to maintain current licenses.** Respondent shall maintain current licenses to practice as a physician and surgeon and to administer and prescribe controlled substances at all times during the period of this Stipulation and Order

- (23) **Address for purposes of providing notice to Respondent.** Respondent agrees that written communication by the Division and 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
- (24) **Duty to pay all costs.** Respondent is responsible for all costs, if any, associated with this Stipulation and Order
- (25) **Additional acts of Unlawful or Unprofessional Conduct.** Should other acts of Unlawful Conduct or Unprofessional Conduct come to the attention of the Division which occurred either prior to or subsequent to the entry of the Stipulation and Order herein, the Division may, in addition to taking action as provided herein, and, after giving Respondent notice and opportunity to be heard, terminate probation, revoke Respondent's license, and/or otherwise proceed against Respondent under applicable law

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanctions on Respondent's licenses, in the manner provided by law. Such sanctions may include revocation or suspension of Respondent's license or other appropriate sanctions.

14 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 Division and 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.

15 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this 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 Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

16 This Stipulation and Order, if approved by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's licenses, to other persons and entities.

17 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

18 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

RESPONDENT

COUNSEL FOR RESPONDENT

BY 

KOUROSH GHAFFARI, M.D.
Respondent

DATE 8/6/08

BY 

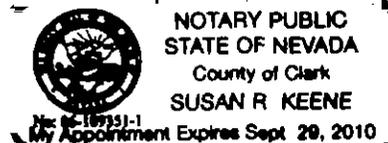
RONALD J. YENGICH
Counsel for Respondent

DATE 8/11/08

STATE OF Nevada)
COUNTY OF Clark)

ss

The foregoing document, Stipulation and Order, was acknowledged before me this 6th day of August, 2008, by Kourosh Ghaffari




NOTARY PUBLIC

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL

BY 
NOEL TAXIN
Bureau Manager
DATE 9/3/08

BY 
JUDITH A. JENSEN
Counsel for the Division
DATE September 3, 2008

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 4 day of September, 2008


F. DAVID STANLEY
Director
Division of Occupational and
Professional Licensing