

Ron R. Kunzler (# 4360)  
Assistant Attorney General  
Mark L. Shurtleff (# 4666)  
Utah Attorney General  
Commercial Enforcement Division  
Heber M. Wells Building  
160 East 300 South, 5<sup>th</sup> Floor  
Box 140872  
Salt Lake City, UT 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  
**LARRY GLEN ANDREW, D.O.**  
TO PRACTICE OSTEOPATHIC MEDICINE  
AND TO ADMINISTER AND PRESCRIBE  
CONTROLLED SUBSTANCES IN THE  
STATE OF UTAH

**STIPULATION AND ORDER**

Case No DOPL 2007- 205

**LARRY GLEN ANDREW, D.O.** ("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 in this matter and Respondent's signature below signifies that Respondent has consulted with his attorney, Peter Stirba, Stirba & Associates, and is satisfied with his attorney's advice.

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Osteopathic 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

On or about August 31, 2007, Respondent entered pleas of no contest to eight (8) counts of Sexual Battery, Class A Misdemeanors, in Fourth District Court, Utah County, State of Utah, Case No 061401185, for knowingly and intentionally touching the genitals of other people, patients and staff, at various times between on or about April 10, 2002, to December 15, 2005, knowing or having should of known that the conduct would likely cause affront or alarm to the persons touched

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501 (2) (a) (b)(c) and (g) and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401 (2) (a) Therefore, Respondent agrees that an Order shall be entered in this matter as follows

- a Respondent's license to practice as a osteopathic physician and surgeon and Respondent's license to administer and prescribe controlled substances shall be revoked. However, the revocation on his licenses shall be immediately stayed and said licenses shall be suspended pending the completion of the psychosexual evaluation below. After the suspensions have been lifted, Respondent's licenses shall be placed on a five (5) year probation subject to the following terms and conditions
- b Respondent shall successfully complete a psychosexual evaluation provided by Dr. Peter M. Byrne on or before November 6, 2007, the date that Respondent is scheduled to be sentenced for his criminal case. The evaluation shall include an assessment of the likelihood of future sexual boundary violations by Dr. Andrew Respondent has contacted Dr. Byrne, the Division-approved licensed professional, for an initial appointment to begin the evaluation. Respondent shall attend all appointments and follow-up appointments in a timely manner. Respondent shall cooperate fully with the evaluator to ensure a fair and complete evaluation. Respondent shall notify the Division immediately after successfully completing the psychosexual evaluation and have a copy sent to the Division on or before November 6, 2007. If Respondent fails to submit the evaluation to the Division within the time stated above, the Division may take any action necessary pursuant to the Utah Administrative Procedures Act, Utah Code Annotated § 63-46b. Respondent shall successfully complete all treatment programs and treatment recommendations as outlined in the evaluation and any additional requirements the Division and the Board may impose. Following the evaluation, Respondent shall submit a practice plan for approval by the Division and the

Board Respondent's practice plan shall be based upon a form provided by the Division

- c Respondent shall participate in any therapy and aftercare that the Division and the Board may require after completion of Respondent's treatment program. Any treatment program or therapist from whom Respondent has or will receive treatment must be approved by the Division and the Board, and Respondent shall direct and authorize Respondent's therapist to discuss Respondent's diagnosis, treatment, and prognosis with the Division and the Board Respondent shall direct Respondent's therapist or aftercare provider to submit quarterly evaluations to the Board that address Respondent's progress in treatment and Respondent's prognosis Respondent may be subject to reevaluation upon notice and opportunity to be heard Respondent shall participate in any therapy, counseling or aftercare that the Division or Board may require, even if no therapy, counseling or aftercare was recommended by an evaluator
- d Respondent shall meet with the Board at the first scheduled Board meeting following the effective date of this Stipulation and Order Respondent shall provide the Board with a plan for Respondent's treatment including the name(s) of the evaluators, any prescribing practitioner, and any dispensing pharmacy
- e Respondent shall identify a supervising physician who is not related to the Respondent, who has no financial, business, or personal relationship with the Respondent and who is in good standing with the Division on or before his initial meeting with the Board as provided in paragraph 8 d The supervising physician must be approved by the Board, shall agree to consult with the Respondent on a

weekly basis, shall review 10% of Respondent's charts each month to determine appropriate compliance with the practice plan, practice issues and standards and ethics of care and shall submit performance evaluations for the Respondent to the Board on a quarterly basis. The receipt of an unfavorable report may be considered to be a violation of probation. If Respondent is not employed as a physician, Respondent shall submit the employer performance report form on the date it is due and indicate on the form that the Respondent is not currently practicing as a physician or that the Respondent is not currently working. Any cost of supervision shall be the Respondent's responsibility.

- f Respondent shall attend a sexual boundaries course approved by the Board and provide proof of completion to the Division and Board within six (6) months of the effective date of this Order. Respondent completed a three-day Continuing Medical Education course entitled "Maintaining Proper Boundaries" at The Center for Professional Health at Vanderbilt University Medical Center from April 26-28, 2006, for which he received 20.5 hours of category one CME credit. The Division and Board, at their discretion, may consider this education in conjunction with the above requirement.
- g Respondent shall attend a medical ethics course approved by the Board and provide proof of completion to the Division and Board within eight (8) months of the effective date of this Order.
- h During the period of probation, Respondent shall not consult with, examine or treat any female patient without a chaperon present at all times and shall maintain a log documenting the chaperon's presence. The chaperon shall sign the patient's

medical record and log attesting to the chaperon's attendance. The information recorded in the log shall also be documented in the patient chart. Respondent shall present this log to the Board for its review at each quarterly meeting or as otherwise directed.

- i. During the period of probation, Respondent shall not provide health care to any staff or employees in his office by way of Respondent's consultation, examination or treatment of any kind whatsoever.
- j. During the period of probation, Respondent shall not be or use himself as the subject or model to demonstrate or provide education to any staff or employees in his office.
- k. Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address. Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession. If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order.

- l Respondent shall maintain a current license at all times during the period of this Stipulation and Order. In the event Respondent does not practice as an osteopathic physician and surgeon for a period of sixty (60) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than (48) hours per week to be considered "practicing" in Respondent's profession.
- m Respondent shall complete all terms and conditions of any criminal sanctions, incurred before or during the period 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 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 have been successfully completed. If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be 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 the treatment for any emotional or psychological disorder,

Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this Stipulation and Order is convicted of a criminal offense of any kind, other than minor non-alcohol related traffic offenses, enters a diversion program, or plea in abeyance to a criminal offense of any kind, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- n Respondent shall notify Respondent's supervising physician and any employer(s) of Respondent's restricted status and the terms of this Stipulation and Order.
- o Respondent shall provide to Respondent's supervising physician and any employer(s) a copy of this Stipulation and Order and cause each employer to acknowledge to the Board in writing, that a copy of this Stipulation and Order has been provided to the employer(s).
- p Failure of Respondent to pay the costs associated with the Stipulation and Order constitutes a violation of the Stipulation and Order.
- q The Division may take appropriate action to impose sanctions if Respondent violates any federal, state or local law relating to Respondent's practice, the Controlled Substance Act, or a term or condition of this Stipulation and Order. Sanctions may include revocation or suspension of Respondent's license, or other appropriate sanction, in the manner provided by law.

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 as a Physician/Surgeon

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 sanctions, in the manner provided by law. Such sanctions may include revocation or suspension of Respondent's license,

or other appropriate sanctions

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*  
DIANA BAKER  
Bureau Manager

DATE *Sept 19, 2007*

MARK L SHURTLEFF  
ATTORNEY GENERAL

BY *Ron R. Kunzler*  
RON R KUNZLER  
Counsel for the Division

DATE *Sept 19, 2007*

RESPONDENT

BY *Larry Glen Andrew, DO*  
LARRY GLEN ANDREW, DO

DATE *9-25-07*

APPROVED AS TO FORM

BY *Peter Stirba*  
PETER STIRBA  
Stirba & Associates  
Counsel for Respondent

DATE *9/25/2007*

*Witnesses  
by  
witness  
Vignone  
Dr.  
Vignone*

**ORDER**

THE ABOVE STIPULATION, in the matter of **LARRY GLEN ANDREW, D.O.**, 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 terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 27 day of September 2007

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

*F. David Stanley*  
DAVID STANLEY  
Director