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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)
DUSTI JO HALL, RN,) **STIPULATION AND ORDER**
TO PRACTICE AS AN ADVANCE PRACTICE)
REGISTERED NURSE) CASE NO DOPL 2007-207
IN THE STATE OF UTAH)

Dusti Jo Hall ("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 The Respondent admits the jurisdiction of the Division over herself and over the subject matter of this action
- 2 The Respondent acknowledges that she enters into this Stipulation knowingly and voluntarily
- 3 The Respondent understands that she has the right to be represented by counsel in this matter and her signature below signifies that she has been represented by Edward Brass in this matter
- 4 The Respondent understands that she is entitled to a hearing before the Utah State Board of Nursing ("the Board"), or other Division Presiding Officer, at which time she may present evidence on her own behalf, call witnesses, and confront adverse witnesses The Respondent

acknowledges that by executing this document she hereby waives the right to a hearing and any other rights to which she may be entitled in connection with said hearing

5 The Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, is a disciplinary action, will be classified as a public document and may be released to other persons and entities

6 The Respondent admits

a In 2006 the Respondent was employed by P P , M D , in his private practice P P 's clinic, known as The Practice of Medicine, was located in West Jordan In or about August 2006, the Respondent advertised her services or allowed an advertisement to remain on her employer's street billboard as a FNP-C, a designation used by Advanced Practice Registered Nurses During this same period, the Respondent also used business cards with her name and the initials FNP printed afterwards At this time, the Respondent was not licensed by the Division to practice as an Advanced Practice Registered Nurse ("APRN")

b From October through December of 2006, the Respondent diagnosed a patient, T D , with borderline personality disorder and prescribed this patient Wellbutrin, an antidepressant medication When the Respondent was diagnosing T D , she was alone with this patient in the examination room P P was not present with either the Respondent or T D when the Respondent diagnosed T D with borderline personality disorder When the Respondent prescribed Wellbutrin for T D , she took T D off her Zoloft prescription In or around December 2006, T D informed the Respondent that the Wellbutrin did not seem to be working for her, and the Respondent switched T D 's prescription back to Zoloft, another antidepressant medication

c In late August/early September of 2006, while P P was on vacation and

out of the office, the Respondent diagnosed 10 patients with no supervision from an M D and prescribed medicines for six of these patients. The billing specialist in P P 's office was concerned about the Respondent seeing 10 patients while P P was away on vacation. She was also concerned about the billing for the services provided to these 10 patients because the billing gave the insurance companies the impression that P P had diagnosed these patients. The Respondent informed the billing specialist that the Respondent's school advisors had reviewed the situation and approved of the Respondent's conduct.

d. The above described conduct was allowed and encouraged by P P.

7. The Respondent admits that her conduct described above is unprofessional conduct as defined in Utah Code Ann. §§ 58-1-501(2)(h) and (i) and unlawful conduct as provided under Utah Code Ann. §§ 58-31b-501(1)(e) and (h). Further, the Respondent recognizes that such conduct justifies disciplinary action against the Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). The Division entered into this Stipulation and Order with the Respondent in large part because it believes that the Respondent's supervising M D, P P, did not properly supervise her and provide her with the proper and appropriate professional guidance. The Division also realizes that the Respondent will be applying for licensure as an Advanced Practice Registered Nurse (APRN) in the near future. That being the case, this Stipulation and Order will apply to and issue sanctions to the Respondent's APRN license. The Respondent understands that the Division is handling the sanctions and discipline in this manner in order to allow the Respondent to acquire her APRN license, and she understands that the original Petition in this case applied to her RN license and not her APRN license. The Respondent understands that if the sanctions were applied to her RN license, she would not be

eligible for an APRN license. Therefore, the Respondent agrees an Order may be issued in this matter providing for the following action against her APRN license:

a. The Respondent shall pay a fine of \$1000 to the Division within 60 days of the date this Stipulation and Order is signed by DOPL's Executive Director ("the effective date").

b. The Respondent shall be allowed to apply for an APRN license. If the Respondent meets the criteria for a license, an appropriate APRN license will be issued to her by the Division. The Respondent's APRN license shall be placed on probation for 3 years. The period of probation starts on the date the APRN license is issued. During probation and in some cases during the period of this agreement (which starts on the effective date and ends when the probationary period is completed), the Respondent shall be subject to all of the following terms and conditions. If the Board/Division later deems any of the conditions unnecessary, such deletions may be made by an amended order issued unilaterally by the Division.

c. The Respondent shall meet with the Division's Bureau Manager within forty-five (45) days of the effective date to discuss the terms and conditions of this Stipulation and Order, and to inform the Bureau Manager of when the Respondent expects to finish all of the requirements for an APRN license and when she expects to apply for her APRN license. At this meeting, the Respondent will have a specific practice plan prepared for her work as an APRN. This practice plan will involve work with a DOPL-approved employer only and will include employer reports and on-site supervision reports. The Respondent will not be allowed to work with P P or a P P affiliated medical clinic. At this meeting, the Respondent will also have the following documents prepared for the Bureau Manager: a schedule which informs the Division of when the Respondent expects to be applying for her APRN license, proof of completion of her

APRN schooling from an accredited Nursing program or an academic status report from the Nursing College indicating how many credits the Respondent needs to complete her schooling, at least two letters of professional fitness from some of the Respondent's nursing professors/instructors and an essay from the Respondent that details what she has learned from the mistakes she made while working for The Practice of Medicine. For the remainder of the duration of the probation, the Respondent shall meet with the Board or with the Division, as directed by the Division, every six months or at such other greater or lesser frequency as the Division may direct.

d The Respondent shall complete continuing education classes on nursing ethics and professional boundaries within sixty (60) days of the effective date. These classes will be in addition to any classes the Respondent has already taken for the renewal of her current RN license.

e The Respondent will immediately cease and desist from practicing beyond the scope of her current RN license. She will only perform APRN duties after she is properly licensed as an APRN and under the proper supervision of a DOPL-approved supervisor. The Respondent acknowledges the fact that the Division may take appropriate action, including the revocation of her RN and/or APRN licenses if she violates this cease and desist order.

f The Respondent agrees to testify about her inappropriate actions as an RN performing APRN duties while working at The Practice of Medicine should the Division subsequently bring disciplinary action against Dr. P. P., the supervising physician of The Practice of Medicine.

8 The Division may impose sanctions if the Respondent violates any term or condition of this

Stipulation and Order The Respondent must comply with all of the terms and conditions of this Stipulation and Order in a timely fashion Sanctions may include the revocation or suspension of the Respondent's licenses, or other appropriate sanctions, in the manner provided by law

9 In the event the Respondent does not practice as an APRN or is not actively involved in acquiring her APRN license for a period of sixty (60) days or longer, she shall notify the Board in writing of the date she ceased practicing or stopped her schooling/license acquisition process The period of time in which she does not practice as an APRN license shall not be counted toward the probationary time period of this Stipulation and Order It shall be within the discretion of the Board to modify this requirement if the Respondent satisfactorily explains to the Board that compliance in her case was impractical or unduly burdensome The 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 an APRN In the event the Respondent either never obtains her APRN license or never practices as an APRN, the fine, the cease and desist order and the educational requirements listed in this Stipulation and Order shall remain in effect

10 The Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status once she starts working as an APRN

11 If the Respondent leaves the State of Utah for a period longer than sixty (60) days after the effective date, she shall notify the Division and Board in writing of the dates of her departure and return

12 If the Respondent is arrested or charged with a criminal offense (with the exception of a minor traffic violation) by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should the 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 treatment for any emotional or psychological disorder, the Respondent agrees to cause the Division and Board to be notified immediately. If the Respondent at any time during the period of this agreement (which starts on the effective date and ends when the probationary period is completed) is convicted of a criminal offense of any kind (with the exception of a minor traffic violation), or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and an opportunity for a hearing. Such sanctions may include revocation or suspension of the Respondent's licenses, or other appropriate sanctions.

13 The Respondent must maintain a current RN and/or APRN license at all times during the period of this agreement. Once the Respondent acquires her APRN license, she will be expected to maintain that license.

14 The Respondent shall immediately notify the Division in writing of any change in the Respondent's residential or business address.

This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. The 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 the Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

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The Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to her practice as a registered nurse and an APRN

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.

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. The 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. The 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, the 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 the Respondent to revocation of her licenses or other sanctions.

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

The Respondent has read each and every paragraph contained in this Stipulation and Order, she understands each and every paragraph contained in this Stipulation and Order, and

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

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY



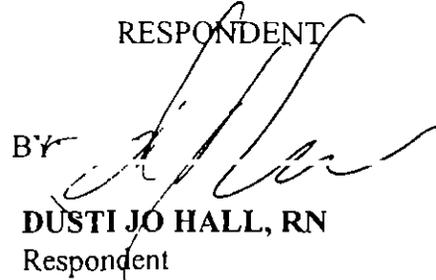
LAURA POE
Bureau Manager

DATE

5-7-09

RESPONDENT

BY



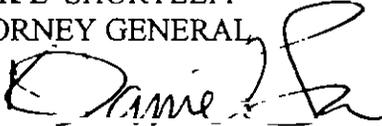
DUSTI JO HALL, RN
Respondent

DATE

5/6/09

MARK L SHURTLEFF
ATTORNEY GENERAL

BY



Dan Lau
Counsel for the Division

DATE

5/6/09



Edward Brass
Respondent's Attorney

DATE

5 6 09

ORDER

The above Stipulation, in the matter of **DUSTI JO HALL, RN** 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 2nd day of May, 2009



Thad LeVar
Interim Director
Division of Occupational
and Professional
Licensing