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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 LICENSES OF)
REUEL JAY BAWDEN) **STIPULATION AND ORDER**
TO PRACTICE AS A PHARMACIST AND TO)
DISPENSE CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH) **CASE NO DOPL 2007-- 217**

REUEL JAY BAWDEN ("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 either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Pharmacy ("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 are true

- a On or about August 2006 Respondent was terminated from his employment as a pharmacist at Shopko Pharmacy in Logan, Utah for misappropriating company property
- b On or about September 12, 2006 Respondent pleaded guilty to two counts of retail theft, each a Class B misdemeanor, in the Logan City Municipal Justice Court, Logan, Utah Respondent was fined and ordered to complete a twelve month term of probation In addition to other terms and conditions, Respondent was required to obtain counseling and pay full restitution to the victim in the amount of \$2,567.32

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(c), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) Respondent's licenses shall be revoked, however those revocations shall be immediately stayed and Respondent's licenses shall be subject to a two (2) year term of probation. The period of probation shall commence on the date the Division Director signs the Order. During the period of probation, Respondent shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
 - a Respondent shall meet with the Board within thirty (30) days of the signing of the accompanying Order. Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Board to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division, annually or at such other greater or lesser frequency as the Division may direct.
 - b Respondent shall retake and obtain a passing score on the legal portion of the MPJE licensure examination. A copy of Respondent's test results shall be provided to the Board within six months (180 days) of the signing of the accompanying Order.
 - c Respondent shall successfully complete a Board-approved course in pharmacy ethics within one (1) year of the signing of the accompanying Order.
 - d Respondent shall successfully complete 10 (ten) additional continuing professional education hours, focusing on legal aspects of pharmacy practice and correct pharmacy practice, within two years of the effective date of the accompanying Order. All course hours shall be pre-approved by the Division and Board. The 10

additional hours shall not count toward Respondent's regular continuing education requirement or the ethics requirement in subparagraph 8(1)c above

- e Respondent shall not own or have vested interest in any pharmacy business
- f Respondent shall not act as a pharmacist-in-charge at any pharmacy
- g All reports and documentation required in this Stipulation and Order shall be submitted to the Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the 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
- h Respondent shall notify any employer of Respondent's restricted status and the terms and conditions of this Stipulation and Order. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board at the frequency described in subparagraph (g) above. The receipt of an unfavorable report may be considered to be a violation of probation. If Respondent is not employed as a pharmacist, Respondent shall submit the employer form on the date it is due and indicate on that form that Respondent's current employment is not in pharmacy or that Respondent is not currently working
- i Respondent shall provide to Respondent's 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
- j In the event Respondent does not practice as a pharmacist 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 compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.

- k 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.

- l 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.

- m 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 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 agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, excluding currently pending criminal charges arising out of the circumstances that form the basis of this Stipulation and Order, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. The Division may take appropriate action against Respondent if any new information is revealed regarding a substantial violation that affects patient care or Respondent's ability to practice. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- n Respondent shall maintain a current license at all times during the period of this agreement
- o Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal 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 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 of pharmacy and the dispensing of controlled substances.

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

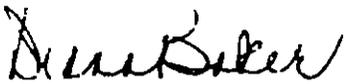
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Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. 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 sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

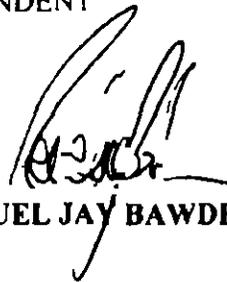
14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
DIANA BAKER

DATE *Oct 9 2007*

RESPONDENT

BY 
REUEL JAY BAWDEN

DATE *OCTOBER 2, 2007*

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE *2 October 2007*

ORDER

THE ABOVE STIPULATION, in the matter of **REUEL JAY BAWDEN**, 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 issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 11 day of October, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F DAVID STANLEY
Director

INVESTIGATOR SANDRA HESS