

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone. (801) 530-6628

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 .
KATAYON HAGHIGHAT : **NOTICE OF AGENCY ACTION**
TO PRACTICE AS A :
PHARMACY TECHNICIAN :
IN THE STATE OF UTAH : Case No. DOPL-2007-62

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
Katayon Haghighat ("Respondent"), Clearfield UT
84015:

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action Said action is based upon the Verified Petition of Jared Memmott, Investigator, State of Utah, a copy of which is attached hereto and incorporated herein by reference

The adjudicative proceeding designated herein is to be conducted on a formal basis. **Within thirty (30) days of the mailing date of this Notice, you are required to file a written response with this Division.** The response you file may be helpful in clarifying, refining or narrowing the facts and violations alleged in the Verified Petition.

You may represent yourself or be represented by legal counsel, at your own expense, at all times while this action is pending Your legal counsel shall file with the Division an Entry of Appearance and until that Entry of Appearance is filed, the presiding officer will deal directly with you

You are entitled by law to an evidentiary hearing to determine whether your license to practice as a pharmacy technician in the State of Utah should be subject to a disciplinary action Unless otherwise specified by the Director of the Division, the State Board of Pharmacy will serve as fact

finder in the evidentiary hearing. You will be notified by separate notice of the date, time, and place of that evidentiary hearing and of any other hearings.

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to the fact finder. After the hearing, unless otherwise specified by the Director of the Division, the fact finder will issue findings of fact, conclusions of law and a recommended order to the Director of the Division of Occupational and Professional Licensing for his review and action.

The presiding officer for purposes of conducting hearings will be J. Steven Eklund, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney have any questions as to the procedures relative to the hearing, Judge Eklund can be contacted at P O Box 146701, Salt Lake City, UT 84114-6701. His telephone number is (801) 530-6648.

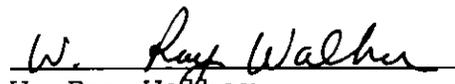
Counsel for the Division in this case is Karl G. Perry, Assistant Attorney General at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872. Within ten (10) days after the filing of your response, Mr. Perry will request the scheduling of a prehearing conference.

You, or if you have an attorney, your attorney, may attempt to negotiate a settlement of the case without proceeding to a hearing by contacting Mr. Perry.

Should you fail to timely file a response, as set forth above, or fail to attend or participate in any scheduled hearing in this case, including prehearing conference(s), you may be held in default without further notice to you. If you are held in default, the maximum administrative sanction consistent with the terms of the Verified Petition may be imposed against you. The maximum administrative sanction in this case is revocation of licensure.

Please conduct yourself accordingly.

Dated this 28th day of March, 2007


W. Ray Walker
Regulatory & Compliance
Officer

KARL G PERRY (# 2570)
ASSISTANT ATTORNEY GENERAL
MARK L SHURTLEFF (# 4666)
UTAH ATTORNEY GENERAL
Commercial Enforcement Division
160 East 300 South, 5th Floor
Box 140872
Salt Lake City, Utah 84114-0872
Telephone (801) 366-0310

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

IN THE MATTER OF THE LICENSE
OF **KATAYON HAGHIGHAT**
TO PRACTICE AS A
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IN THE STATE OF UTAH

P E T I T I O N

Case No DOPL- 2007-62

The Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("the Division"), by and through its counsel, Karl G Perry, Assistant Attorney General, submits the following petition against Katayon Haghghat

PRELIMINARY STATEMENT

These causes of action were investigated by the Utah Division of Occupational and Professional Licensing upon information that Katayon Haghghat, a licensee of the Division, has engaged in acts and practices which constitute violations of the Division of Occupational and Professional Licensing Act, Utah Code Ann §§ 58-1-101 to 58-1-504 (West 2004), the Utah Controlled

Substance Act, Utah Code Ann §§ 58-37-1 to 58-37-21 (West 2004), and the Pharmacy Practice Act, Utah Code Ann §§ 58-17a-101 to 58-17a-619 (West 2004)

The allegations against Respondent in this Petition are based upon information and belief arising out of that investigation

Each cause of action in this Petition shall be deemed to incorporate by reference the allegations set forth in the other paragraphs of the Petition

PARTIES

1 The Division is a division of the Department of Commerce of the State of Utah as established by Utah Code Ann § 13-1-2 (West 2004)

2 At all times material to the allegations contained herein, Respondent was licensed by the Division to practice as a Pharmacy Technician under the Pharmacy Practice Act, Utah Code Ann § 58-17a-101, et seq

STATEMENT OF ALLEGATIONS

3 From on or about July 6, 2006, to on or about November 21, 2006, Respondent was employed at LDS Hospital Inpatient Pharmacy as a Pharmacy Technician

4 Between or about November 1, 2006 to on or about November 6, 2006, Respondent approached LDS Inpatient Pharmacy Technician E J (full name withheld for purpose of confidentiality) asking what she took for her attention deficit hyperactivity disorder ("ADHD") E J informed Respondent that she had been prescribed dextroamphetamine (a schedule II controlled substance) but no longer was taking the medication Respondent asked E J if

she could have one of her dextroamphetamine capsules E J informed Respondent she only had one capsule remaining, however, E J stated she would give Respondent the name and number of her physician who had prescribed the medication for her Respondent, according to E J , began to pull on her face and hair and stated she had six more hours left to work in her shift and needed the medication E J subsequently gave Respondent her last dextroamphetamine capsule E J then asked Respondent where her own prescription medication for ADHD was Respondent stated to E J she believed her three year old daughter had gotten into the medication Respondent then asked E J to contact her physician to see if she would call in a 72 hour emergency refill for E J so the medication could then be given to Respondent E J refused to make such an inquiry and subsequently had to avoid Respondent on several occasions in order to prevent her from continuing to ask for more dextroamphetamine capsules

5 Between or about November 7, 2006, to on or about November 13, 2006, Respondent informed E J that she had arranged with LDS Inpatient Pharmacy Technician Holly Vaughn to work the Thanksgiving Holiday shift for Holly Vaughn if in return Holly Vaughn would give Respondent some of her prescribed medication for ADHD During this same time Respondent asked E J if she could try one of her Provigil tablets, whereby E J refused and reported all of the above described incidents to her immediate supervising pharmacist

6 On or about November 21, 2006, Respondent was called in to the offices of Russell Hulse RPh, the Director for LDS Hospital Pharmacy Services

Mr Hulse confronted Respondent about the allegations made by E J and others within the pharmacy who had heard Respondent attempt to solicit medications from E J and Holly Vaughn Respondent denied any such actions, however her employment with LDS Hospital was terminated

7 On or about January 9, 2007, a Division Investigator telephonically contacted Respondent, whereby respondent was informed of the complaint filed against her license and the Division's attempts in trying to contact her Respondent admitted she had moved four months previously and had not updated her address with the Division

APPLICABLE LAW

8 As stated in Utah Code Ann § 58-1-401(2)(a) and (b) (West 2004) the division may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases

- (a) the applicant or licensee has engaged in unprofessional conduct, as defined by statute or rule under this title, [or]
- (b) the applicant or licensee has engaged in unlawful conduct as defined by statute under this title
- (d) the applicant or licensee is unable to practice the occupation or profession with reasonable skill and safety because of illness, drunkenness, excess use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the licensee's condition demonstrates a threat or potential threat to public health, safety, or welfare

9 Utah Code Ann § 58-1-501 (2) (a) (West 2004) defines "unprofessional conduct" to include

(a) violating, or aiding or abetting any other person to violate, any statute, rule or order regulating an occupation or profession under this title,

10 Utah Admin Code R156-17b-502 (4 (2006) defines "unprofessional conduct" to include

(4) failing to provide the Division with a current mailing address within a 10 business day period of time following any address change,

11 Utah Code Ann § 58-17b-501 (6) (a) and (c) (West 2004) defines "unlawful conduct" to include

(6) procuring or attempting to procure any drug for himself or to have someone else procure or attempt to procure any drug
(a) by fraud, deceit, misrepresentation, or subterfuge,

12 Utah Code Ann § 58-17b-501 (12) (West 2004) defines "unlawful conduct" to include

(12) using a prescription drug or controlled substance for himself that was not lawfully prescribed for him by a practitioner

13 Utah Code Ann § 58-37-8 (1)(a)(ii) (West 2004) provides in relevant part as follows

(1) Except as authorized by this chapter, it is unlawful for any person to knowingly and intentionally distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance

14 Utah Code Ann § 58-1-501 (2)(e) (West 2004) defines "unprofessional conduct" to include

(2)(e) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemical, to the extent that the conduct

does, or might reasonably be considered to, impair the ability of the licensee or applicant to safely engage in the occupation or profession

FIRST CAUSE OF ACTION

FAILING TO PROVIDE THE DIVISION WITH A CURRENT ADDRESS

15 Respondent failed to provide the Division with a current mailing address within a 10 business day period of time following any change of address Therefore, Respondent has engaged in "unprofessional conduct" as defined under Utah Admin Code R156-17b-502 (4) (2006), establishing grounds for sanctioning Respondent's licenses as provided under Utah Code Ann § 58-1-401(2)(a) (West 2004)

SECOND CAUSE OF ACTION

ATTEMPTING TO PROCURE A CONTROLLED SUBSTANCE

DRUG BY DECEIT AND SUBTERFUGE

16 As described in paragraph 4 through 6, Respondent attempted to procure a controlled substance by deceit and subterfuge from Holly Vaughn and E J Therefore, Respondent has engaged in "unlawful conduct" as defined under Utah Code Ann § 58-17b-501(6)(a) (West 2004), and unlawful conduct as defined under Utah Code Ann § 58-37-8 (3)(a)(ii) (West 2004), establishing grounds for sanctioning Respondent's licenses as provided under Utah Code Ann § 58-1-401(2)(b) (West 2004)

THIRD CASUE OF ACTION

POSSESSING AND USING A CONTROLLED SUBSTANCE

WITHOUT A PRESCRIPTION

17 As described in paragraph 4 through 6, Respondent unlawfully possessed and consumed a controlled substance from E J for which Respondent did not have a valid prescription Therefore, Respondent has engaged in unlawful conduct in violation of Utah Code Ann § 58-37-8 (3)(a)(ii) (West 2004), establishing grounds for sanctioning Respondent's licenses as provided under Utah Code Ann § 58-1-401 (2)(b) (West 2004)

FOURTH CAUSE OF ACTION

DRUG ABUSE

18 As described in Paragraphs 4 through 6 Respondent obtained and consumed controlled substances for which she did not have a prescription for Therefore, Respondent has engaged in unprofessional conduct in violation of Utah Code Ann § 58-1-501 (2)(e) (West 2004), establishing grounds for sanctioning Respondent's licenses as provided under Utah Code Ann § 58-1-401 (2)(a) and (d) (West 2004)

WHEREFORE, the Division requests the following relief

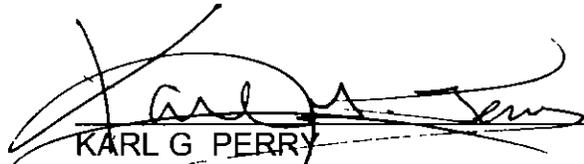
1 That Respondent be adjudged and decreed to have engaged in the acts alleged herein,

2 That by engaging in the above acts, Respondent be adjudged and decreed to have violated the provisions of the Division of Occupational and Professional Licensing Act, the Pharmacy Practice Act, and the Controlled Substance Act,

3 That Respondent's license is revoked to practice as a pharmacy technician in the State of Utah and for such other and further orders as the Court deems just and equitable

DATED this 22nd day of March, 2007

MARK L SHURTLEFF
UTAH ATTORNEY GENERAL


KARL G PERRY
Assistant Attorney General