

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 :  
**MARY JO CATES** : **ORDER REINSTATING LICENSE**  
TO PRACTICE AS A PHARMACIST :  
AND TO DISPENSE CONTROLLED :  
SUBSTANCES IN THE STATE OF UTAH : Case No DOPL-2007-64

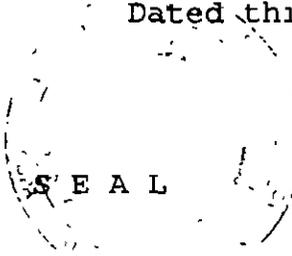
BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated March 30, 2007, in the above-identified case number.

IT IS HEREBY ORDERED the probation on the licenses of MARY JO CATES to practice as a pharmacist and to dispense controlled substances is terminated and said licenses be reinstated with full privileges effective the date of this Order.

Dated this 6 day of June, 2011.

  
Mark B. Steinagel  
Division Director



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  
**MARY JO CATES**  
TO PRACTICE AS A PHARMACIST AND TO  
DISPENSE CONTROLLED SUBSTANCES  
IN THE STATE OF UTAH

AMENDED ORDER

: Case No. DOPL-2007-64

BY THE DIVISION:

The Division's Stipulation and Order, dated March 30, 2007, in the above-referenced case number is hereby amended as follows

IT IS HEREBY ORDERED the probationary condition requiring Respondent to practice only under the on-site supervision of a registered pharmacist in good standing with the Division is amended to allow Respondent to practice under the general supervision of a pharmacist licensed in good standing with the Division.

It is further ordered the probationary condition restricting Respondent from contacting by telephone or other manner, any pharmacy or drug supplier for the purposes of filling a prescription order is terminated.

All other conditions and restrictions identified in the March 30, 2007 Stipulation and Order shall remain the same in effect, unless previously amended.

Dated this 2<sup>nd</sup> day of August, 2010

*W. Ray Walker*  
W. Ray Walker  
Acting Director



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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  
**MARY JO CATES**  
TO PRACTICE AS A PHARMACIST  
AND TO DISPENSE  
CONTROLLED SUBSTANCES  
IN THE STATE OF UTAH

**AMENDED ORDER**

Case No  
DOPL-2007-64

**BY THE DIVISION:**

The Division's Stipulation and Order, dated March 30, 2007, in the above-referenced case is hereby amended as follows:

IT IS HEREBY ORDERED the probationary condition requiring Respondent to participate in therapy and aftercare is terminated

All other conditions and restrictions identified in the March 30, 2007 Stipulation and Order shall remain the same and in effect.

Dated this 4 day of March, 2008.

  
F. David Stanley  
Director

S E A L

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L MITCHELL JONES (U S B 5979)  
Assistant Attorney General  
MARK L SHURTLEFF (U S B 4666)  
Attorney General  
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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 )  
**MARY JO CATES** ) **STIPULATION AND ORDER**  
TO PRACTICE AS A PHARMACIST AND TO )  
DISPENSE CONTROLLED SUBSTANCES ) CASE NO DOPL 2007-- 64  
IN THE STATE OF UTAH )

**MARY JO CATES** (“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 Utah State 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

- (a) In or about August 1978 Respondent was first licensed to practice pharmacy in the State of Utah
- (b) In or about March 1999 Respondent entered into a Stipulation and Order with the Division in DOPL Case No 1999-47 On or about June 5, 2003, the probation on Respondent's licenses to practice as a pharmacist and to dispense controlled substances was terminated and said licenses were reinstated with full privileges
- (c) On or about September 9, 2006, while employed at the University of Utah's Hospitals and Clinics, Respondent was working as a pharmacist at the Greenwood Clinic Respondent took four tablets of Lortab, a Schedule III controlled substance, from clinic pharmacy stock, without authorization or a valid prescription, for her own use

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8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), and unlawful conduct as defined in Utah Code Ann § 58-37-8(2)(a)(1), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (b) Respondent agrees that an Order, which constitutes disciplinary action pursuant to Utah Administrative Code R156-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

(1) Respondent's licenses shall be revoked The revocations shall be immediately stayed and the Respondent's licenses shall be subject to a term of probation for a period of five (5) years During the period of probation, the 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, quarterly or at such other greater or lesser frequency as the Division may direct

b Although the use and possession of alcohol is generally legal for persons age 21 and older, Respondent agrees to abstain from the personal use or possession of alcohol in any form Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and 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 use of mood altering substances for any other purpose than the purpose for which the substance is intended

c Respondent shall submit to the following course of treatment as part of Respondent's rehabilitation and at Respondent's own expense

i. Respondent shall successfully complete a chemical

dependency program and evaluation provided by a Division-approved program and evaluator, within ninety (90) days of the effective date of this Stipulation and Order. Respondent shall contact the Division-approved chemical dependency program and evaluator for an initial appointment within 10 days of the effective date of this Stipulation and Order. Respondent shall schedule the initial appointment to be held within 45 days of the effective date of this Stipulation and Order. 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 program and evaluation and inform the Division that Respondent has successfully completed the chemical dependency program and evaluation. Respondent agrees to cause the evaluation report to be sent to the Division within 90 days of the effective date of this Order.

ii Respondent acknowledges receiving a current list of the Division-approved licensed providers.

iii If Respondent fails to submit the evaluation(s) 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.

iv Respondent shall successfully complete all treatment programs and treatment recommendations as outlined in the evaluation.

v In the interest of public safety, the Division may impose additional requirements above and beyond those recommended by the evaluator in the chemical dependency evaluation set forth above. Respondent agrees to comply with these additional requirements.

d Unless otherwise approved by the Division, Respondent shall, except as provided otherwise 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/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 the prescribing practitioner and pharmacy to the Division and Board for approval Respondent shall provide the Division with a copy of all Respondent's prescriptions for prescription drugs, controlled substances, or any other mood altering substance, within forty-eight (48) hours after the prescription has been written

e Prescriptions from an emergency practitioner or referral practitioner must be submitted to the Division within forty-eight (48) hours of being issued Respondent shall report to the Division within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Respondent by any other individual

f Respondent shall report to the Division within forty-eight (48) hours any and all medications or controlled substances ingested by Respondent from any source

g Respondent shall provide to the primary prescribing practitioner a copy of this Stipulation and Order

h Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis 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 herself 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 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 will subject Respondent to additional sanctions 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 will subject Respondent to additional sanctions

i Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order

j The Division may take appropriate action to impose sanctions if (i) Respondent tests positive for alcohol, a prescription drug, a controlled substance, or any mood altering substance which cannot be accounted for by an administration or prescription by a lawful practitioner for a current medical condition, or (ii) 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.

k 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.

l Respondent shall pay a fine to the Division in the amount of \$1,000.00 (one-thousand dollars), pursuant to Utah Code Ann. § 58-17b-504(5)(b), due and payable within 90 days of the effective date of this Stipulation and Order.

*paid infm  
3-29-07  
cm*

m Respondent shall participate in all therapy and aftercare that the Division and the Board may require. Respondent shall authorize all approved treatment programs or therapists from whom Respondent has received or will receive treatment to discuss Respondent's diagnosis, treatment, and prognosis with the Division and the Board. The program or therapist must also be directed to submit evaluations to the Board that address Respondent's progress in treatment and Respondent's prognosis at the frequency described above. Respondent may be subject to re-evaluation upon notice and opportunity to be heard.

n Respondent shall participate in a professional support group to address Respondent's use of controlled substances and shall submit documentation that reflects Respondent's continuing and regular attendance at such support group meetings. Respondent shall submit such documentation to the Division at the frequency described in subparagraph (k) above. Regular attendance for the purpose of this paragraph shall be at least twice a month.

o Respondent shall attend a 12-step program, have a sponsor, work the 12-step program and submit reports at the frequency described in subparagraph (k) above to the Division documenting her participation. The frequency of participation shall be approved by the Board. Unless otherwise directed, Respondent shall attend at least two times per month.

p Respondent shall notify any employer of Respondent's restricted status and the terms of this agreement. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board at the frequency described in subparagraph (k) 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 report 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.

q Respondent shall provide to Respondent's employer(s) and/or school of pharmacy a copy of this Stipulation and Order and cause each employer or school of pharmacy to acknowledge to the Board in writing, that a copy of this Stipulation and Order has been provided to the employer and/or school of pharmacy.

r Respondent shall practice only under the on-site supervision of a registered pharmacist in good standing with the Division. The supervising pharmacist shall be primarily one (1) person who may periodically delegate his or her supervisory responsibilities over Respondent to other qualified personnel. Respondent shall not act as a pharmacist-in-charge.

s Respondent shall not contact by telephone or other manner, any pharmacy or drug supplier for the purposes of filling a prescription order. This applies both while Respondent is working in the capacity of Respondent's employment or not.

t Respondent shall successfully complete three additional hours of continuing professional education focusing on the areas of ethics. The additional hours shall be pre-approved by the Division and shall be successfully completed within one year of the effective date of this Stipulation and Order. The three additional hours shall not count toward Respondent's regular continuing education requirement.

u Respondent shall not fill prescriptions for controlled substances for Respondent or Respondent's immediate family.

v Respondent shall notify the Division and Board within one week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed as a pharmacist.

w 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.

x 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, including a pending criminal charge, 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.

y Respondent must maintain a current license at all times during the period of this agreement.

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

aa Respondent shall complete all terms and conditions of any criminal sanctions, incurred before or during the period of this agreement, 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.

bb 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.

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 prejudgment 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 pharmacist 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 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

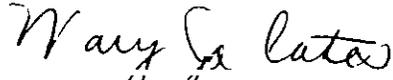
14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY   
DIANA BAKER  
Bureau Manager

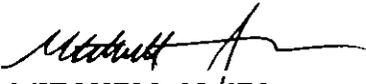
DATE 29 Mar 07

RESPONDENT

BY   
MARY JO CATES  
Respondent

DATE 3 29 07

MARK L SHURTLEFF  
ATTORNEY GENERAL

BY   
L MITCHELL JONES  
Counsel for the Division

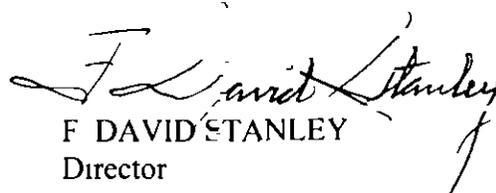
DATE 29 March 2007

**ORDER**

THE ABOVE STIPULATION, in the matter of **MARY JO CATES**, 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 the Order in this matter 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 30 day of March, 2007

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
F DAVID STANLEY  
Director

Investigator Irene Gayheart