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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)	SURRENDER
CODY R. BEAUMONT)	STIPULATION AND ORDER
TO PRACTICE AS A PHARMACIST)	
AND TO DISPENSE CONTROLLED)	CASE NO DOPL 2008- 117
SUBSTANCES IN THE STATE OF UTAH)	

CODY R. BEAUMONT (“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 ("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 The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's licenses, to other persons and entities

7 Respondent admits the following facts are true

- a On or about October 29, 2003 Respondent was first licensed as a pharmacist and to dispense controlled substances in the State of Utah
- b On or about January 24, 2005 Respondent voluntarily entered into a Stipulation and Order with the Division in Case No DOPL-2005-17 Respondent's licenses to practice as a pharmacist and to dispense controlled substances were revoked The revocation of Respondent's pharmacist license was immediately stayed and said license was suspended Respondent admitted to having abused controlled substances, including Percoet, MS Contin, Oxycodone, Morphine Sulfate, Oxycontin and Endocet, that he stole from prior employers

- c On or about March 10, 2005 the suspension of Respondent's license to practice as a pharmacist was lifted and he was placed on a five-year term of probation with terms and conditions consistent with the January 24, 2005 Stipulation and Order Respondent's controlled substance license remained revoked
- d On or about January 31, 2006 Respondent's license to dispense controlled substances was reinstated and placed on probation consistent with the probationary period and conditions that existed on his license to practice as a pharmacist
- e On or about June 29, 2006 the probationary condition requiring random drug testing was terminated and Respondent was ordered to comply with the Oregon Professional Recovery Network program after Respondent moved to Oregon
- f On or about February 14, 2007, Respondent's pharmacist license was revoked by the State of Oregon
- g On or about March 26, 2007 a Verified Motion for Order to Show Cause was filed by the Division based on Respondent's failure to comply with the terms and conditions of his Utah Stipulation and Order
- h On or about April 24, 2007 a hearing was held on the allegations contained in the Order to Show Cause petition On or about July 5, 2007 an Order was signed by the Division Director extending the probation of both Respondent's licenses to continue for a period of five years from the date that the Order became effective
- i On or about September 30, 2007 Respondent began working at a pharmacy in St George, Utah Respondent's employment was terminated on May 23, 2008 for misappropriation of company property, falsifying a prescription, falsifying company records, and violating state and federal laws
- j On or about May 27, 2008 Respondent was charged with 19 counts of acquiring a controlled substance by prescription alteration, each a third degree felony, 13 counts of retail theft, each a Class A misdemeanor, and one count of public intoxication, a Class C misdemeanor, in Fifth District Court, St George, Washington County, State of Utah

k Respondent has not complied with the terms and conditions contained in the Stipulation and Order in DOPL Case No 2005-17 and subsequent DOPL orders Respondent desires to surrender Respondent's licenses to practice as a pharmacist and to dispense controlled substances in the State of Utah

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent hereby surrenders Respondent's licenses to practice as a pharmacy and to dispense controlled substances in the State of Utah Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2)(a) and (b) Respondent agrees not to reapply for licensure to practice pharmacy or to dispense controlled substances in the State of Utah until (1) a period of five years from the date the Division Director signs this Stipulation and Order has passed and (2) only after Respondent has submitted documentation to the Division, including drug analysis test results, showing that Respondent has not used illegal drugs or drugs for which Respondent does not possess a valid prescription, for the previous year The Division does not guarantee that any future application by Respondent for licensure will be granted If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a pharmacist and to dispense controlled substances in the State of Utah Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

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 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 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

11 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

12 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 
NOEL TAXIN
Bureau Manager

DATE 6/9/08

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L MITCHELL JONES
Counsel for the Division

DATE 9 Jun 2008

RESPONDENT

BY 
CODY R BEAUMONT

DATE 6/4/08

ORDER

THE ABOVE STIPULATION, in the matter of **CODY R. BEAUMONT**, 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)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 9 day of June, 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F DAVID STANLEY
Director

Investigator Sandra Hess