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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 )  
**LORI E. NIVEN TO PRACTICE AS A ) STIPULATION AND ORDER**  
REGISTERED NURSE )  
IN THE STATE OF UTAH ) CASE NO DOPL 2008-- 163

**LORI E. NIVEN** (“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 Nursing ("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. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities.

7 Respondent admits the following facts are true:

- a Respondent entered into a Stipulation and Order in DOPL Case #2007-151 on or about July 12, 2007 in which Respondent admitted to previous disciplinary actions by the Division for using illegal drugs (DOPL Case #2002-160, DOPL-2003-60, and DOPL-2006-53). Also, Respondent admitted that on or about November 28, 2006, Respondent was observed to smell of alcohol and mouthwash while working a scheduled shift. On or about December 1, 2006, co-workers observed that Respondent was behaving inappropriately and exhibited a noticeable odor of alcohol. Respondent provided a sample for drug urinalysis and underwent a breathalyzer test. Respondent tested positive for alcohol use and was terminated from her employment on December 7, 2006. The Order for DOPL Case #2007-151 specifically prohibits Respondent from the personal use or possession of alcohol in any form.
- b Respondent admits that Respondent violated the terms and conditions of the Stipulation and Order in DOPL Case #2007-151 by consuming alcohol.

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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 said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2) Respondent agrees that an Order, which constitutes disciplinary action against Respondent 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 shall pay a fine to the Division of \$300.00 (three-hundred dollars) pursuant to Utah Code Ann Section 58-31b-402 and Utah Administrative Code R156-31b-402, within six months of the effective date of the Order in this matter *paid 7/1/08*
- (2) Respondent shall be publicly reprimanded by the Division for violating the terms and conditions of the Stipulation and Order in DOPL Case #2007-151
- (3) All the terms and conditions contained in the Stipulation and Order as amended in DOPL Case #2007-151 shall remain in effect

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 as a registered nurse

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.

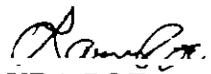
13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

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.

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DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

RESPONDENT

BY   
**LAURA POE**  
Bureau Manager

BY   
**LORI E. NIVEN**

DATE 8-14-08

DATE 8/14/08

MARK L SHURTLEFF  
ATTORNEY GENERAL

BY   
**L. MITCHELL JONES**  
Counsel for the Division

DATE 14 Aug 2008

**ORDER**

THE ABOVE STIPULATION, in the matter of **LORI E. NIVEN** 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 license of **LORI E. NIVEN** is hereby publicly reprimanded for violating the terms and conditions of her Stipulation and Order in DOPL Case #2007-151. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 18 day of August, 2008

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING



F DAVID STANLEY  
Director

Investigator Laura Poe