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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)	
MEGAN K HEATH)	STIPULATION AND ORDER
TO PRACTICE AS A CERTIFIED)	
SOCIAL WORKER IN THE STATE OF)	CASE NO DOPL 2008- 244
UTAH)	

MEGAN K. HEATH ("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 Social Work Licensing Board ("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 On or about February 16, 2006, Respondent was charged in First District Court, Cache County with eight counts of Falsely Obtaining a Prescription. Respondent visited numerous physicians for the same alleged ailment in order to obtain multiple prescriptions.

B On or about March 25, 2006, Respondent pleaded guilty to all eight counts. The pleas were held in abeyance.

C Respondent has a substance abuse problem to the extent that it that might reasonably be considered to impair Respondent's ability to practice safely as a Certified Social Worker.

D On or about June 12, 2006, Respondent and the Division entered into a Stipulation and Order (the "Order") in case No. 2006-137 placing certain conditions on Respondent's license as a Certified Social Worker.

E The Order required in paragraph 8(1)b that

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

F On or about August 30, 2008, Respondent admitted that she had not managed and had not taken prescription medication in accordance with her practitioner's instructions and "quickly fell into full-blown relapse "

G The Order also required in paragraph 8(1)h that

Respondent shall submit to drug testing at the request of the Division or any company with whom the Division has contracted to conduct drug testing The Division shall determine when and where the Respondent is to submit herself for testing

H On or about June 1, 14, 15, 16, 17, 18, 19, 20, July 20, 21, and August 10, 14, 15, 31, 2008, Respondent did not call the drug testing provider as required for testing

I The Order also required in paragraph 8(1)j that

Respondent shall direct her therapist or aftercare provider to submit evaluations to the Board that address Respondent's prognosis and progress in treatment on a monthly basis

J Respondent has failed to have her therapist or after care provider submit required monthly evaluations of Respondent's prognosis and progress

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (e), 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) Therefore, Respondent agrees that an Order shall be entered in this matter as follows

- (1) Respondent's license shall be revoked That revocation shall be immediately stayed and the Respondent's license shall be placed on suspension until such time as she completes the requirements in Paragraphs 8(1)h and 8(1)j Thereafter, Respondent's license shall be subject to a term of probation for a period of three (3) years The period of probation shall commence on the date of the issuance of an Amended Order by the Division lifting suspension During the periods of suspension and probation, the Respondent shall be subject to all of the following terms and conditions If the Board/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 at the first scheduled Board meeting following the effective date of this Stipulation and Order Respondent shall provide the Board with a plan for Respondent's treatment including the name(s) of the evaluators, prescribing practitioner, and dispensing pharmacy
- 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 may be required at the discretion of the Division and the Board to successfully complete a chemical dependency evaluation provided by a Division-approved licensed provider within a reasonable time period as to be determined by the Division and the Board Respondent agrees to cause any such evaluation report required to be sent to the Division
 - ii Respondent may be required at the discretion of the Division and the Board to successfully complete a psychological evaluation provided by a Division-approved licensed provider within a reasonable time period as to be determined by the Division and the Board Respondent agrees to cause any such evaluation report required to be sent to the Division
 - iii Respondent acknowledges receiving a current list of the Division-approved licensed providers
 - iv As above provided, evaluation(s) may be required at the discretion of the Division and the Board If Respondent fails to submit the evaluation(s) to the Division, the Division may take any action necessary

pursuant to the Utah Administrative Procedures Act, Utah Code Annotated § 63G-4 and as provided by law which may include revocation or suspension of Respondent's license, or other appropriate sanction

v Respondent shall successfully complete all treatment programs and treatment recommendations as outlined in the evaluations

vi *In the interest of public safety, the Division may impose additional requirements above and beyond those recommended by the evaluator in the chemical dependency, psychological, and physical evaluations 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 successfully complete without violation at least six (6) months of drug testing prior to the Division's and the Board's consideration of Respondent's license suspension being lifted. A decision to lift Respondent's suspension is subject to the discretion and approval of

the Division and Board Drug testing shall continue during Respondent's license suspension and probation 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 Respondent shall receive from Respondent's therapist or after care provider an evaluation of Respondent's prognosis and progress that supports Respondent's license suspension being lifted The evaluation and any decision to lift Respondent's license suspension is subject to the discretion and approval of the Division and Board Therapist and after care evaluations and reporting shall continue during Respondent's license suspension and probation Respondent shall participate in any therapy and/or aftercare that the Division and the Board may require after completion of Respondent's treatment program Any treatment program or therapist from whom Respondent has or will receive treatment must be approved by the Division and Board, and Respondent shall direct and authorize Respondent's therapist to discuss Respondent's diagnosis, treatment, and prognosis with the Division and the Board Respondent shall direct Respondent's therapist or aftercare provider to submit evaluations to the Board that address Respondent's progress in treatment and Respondent's prognosis Respondent may be subject to reevaluation upon notice and opportunity to be heard The evaluations shall be submitted on a monthly basis until the Division finds that Respondent is compliant with this Stipulation and Order, after which Respondent shall cause the evaluations to be submitted on a quarterly basis

- k Respondent shall participate in any therapy, counseling or aftercare that the Division or Board may require, even if no therapy, counseling or aftercare was recommended by an evaluator
- l Respondent shall participate in a professional support group or 12-step program to address Respondent's use of controlled substances Documentation that reflects Respondent's continuing and regular attendance at such support group or 12-step program meetings shall be provided to the Division on a monthly basis until the Division informs Respondent that they may be submitted quarterly "Regular attendance" means Respondent shall attend the support group at least two times per month
- m 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
- n Respondent shall successfully complete any and all requirements set out by the First District Court Drug Court program that Respondent is currently involved in
- o Respondent shall cause Respondent's employer to submit a letter informing the Division that the employer has received a copy of this Stipulation and Order
- p Respondent shall cause Respondent's clinical supervisor to submit reports to the Division and Board summarizing Respondent's work performance The reports shall be submitted on a monthly basis until Respondent is notified that they may be submitted on a quarterly basis

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 of Social Work

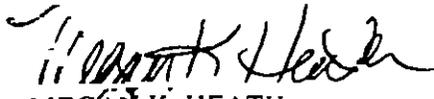
11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, 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.

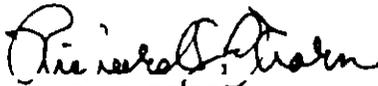
14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

RESPONDENT


MEGAN K. HEATH

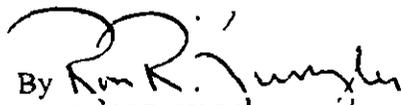
10-18-08
Date

DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING

By 
RICHARD J. O'BRIEN
Bureau Manager

10/23/08
Date

MARK L. SHURTLEFF
ATTORNEY GENERAL

By 
RON R. KUNZLER
Counsel for the Division

10/23/08
Date

ORDER

THE ABOVE STIPULATION, in the matter of **MEGAN K. HEATH**, 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 terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 23 day of October, 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F DAVID STANLEY
Director