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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)
DANIEL CALABRESE M.D.)
TO PRACTICE AS A) **STIPULATION AND ORDER**
PHYSICIAN/SURGEON AND TO)
ADMINISTER AND PRESCRIBE) **CASE NO DOPL 2008- 259**
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

DANIEL CALABRESE M.D. (“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 The Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has consulted with his attorney, Larry S Jenkins, Wood Crapo LLC, and is satisfied with his attorney's advice in this matter

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Licensing Board of Physicians ("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 19, 1993, Respondent obtained licensure with the Division as a Physician and Surgeon to practice medicine and to administer and prescribe controlled substances in the State of Utah
- b On or about October 17, 2001, the Division issued Order No 2000-57, that placed Respondent's licenses on probation for two years with terms and conditions for self-prescribing and administering a Schedule III controlled substance to himself
- c On or about June 3, 2005, Respondent prescribed for his own use Depo-Testosterone a schedule III controlled substance

- d On or about October 1, 2006, Respondent moved from his medical office in Murray, Utah and failed to keep the Division informed of a current address and telephone number
- e On or about June 19, 2007, Respondent met with a Division Investigator where the Respondent acknowledged self-prescribing the above controlled substance

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Annotated § 58-1-501 (2)(a), Utah Administrative Code R156-67-502 (1) and (13), Utah Administrative Code R156-37-502 (1)(a), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401 (2)(a) Therefore, Respondent agrees that an Order shall be entered in this matter as follows

- (1) Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah expire on December 31 2008
 - a Respondent shall not apply for renewal of his licenses
 - b Respondent shall not use his licenses to practice medicine or dispense controlled substances from and after the date of this Stipulation and Order through December 31, 2008, the date his licenses to practice medicine and dispense controlled substances in the State of Utah expire
 - c Respondent shall not reapply for licensure to practice as a physician/surgeon and to administer controlled substances in the State of Utah prior to January 2, 2011 The Division does not guarantee that any future application by Respondent for licensure will be approved

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 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 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 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.

12 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.

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

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY 
NOEL TAXIN
Bureau Manager

BY 
DANIEL CALABRESE M.D.
Respondent

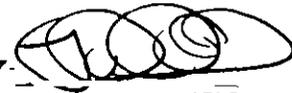
DATE 11/4 08

DATE 30 Oct 2008

MARK L SHURTLEFF
ATTORNEY GENERAL

APPROVED AS TO FORM

BY 
RON R. KUNZLER
Counsel for the Division

BY 
LARRY S. JENKINS
Wood Crapo LLC
Counsel for Respondent

DATE NOV. 5, 2008

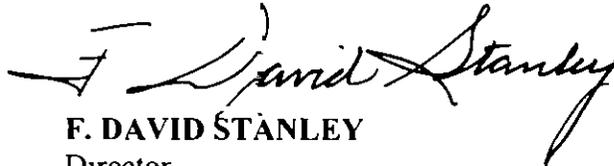
DATE 30 Oct 2008

ORDER

THE ABOVE STIPULATION, in the matter of **DANIEL CALABRESE M.D.** 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 5 day of *November*, 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director