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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)	
RAYMOND LOUIS BEDELL)	STIPULATION AND ORDER
TO PRACTICE AS AN)	
OSTEOPATHIC PHYSICIAN)	CASE NO. DOPL- 2008-32
AND SURGEON)	
IN THE STATE OF UTAH)	

RAYMOND LOUIS BEDELL ("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 is represented by Kenneth E. Lyon, Jr., Attorney at Law.

4. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review of the matters set forth in this document as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-46b-12 through R151-46b-15. Nothing in this Stipulation and Order prevents Respondent from continuing to pursue with the request for agency review that Respondent submitted to the Department of Commerce to review the Order in DOPL Case No. 2008-32. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent understands 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 license, to other persons and entities.

6. Respondent admits the following facts are true:

- a. Respondent was first licensed to practice as an osteopathic physician and surgeon and to administer and prescribe controlled substances in the State of Utah on or about November 15, 1996.
- b. On or about September 26, 2006 Respondent was charged in First District Court, Cache County, Utah, with two counts of forcible sexual abuse, each a 2nd degree felony. At trial, on or about March 5, 2007, Respondent was found "not guilty" of the counts of forcible sexual abuse, and found "guilty" of a one count of sexual battery, a Class A misdemeanor. Respondent has filed an appeal of the guilty finding that is currently pending before the Utah Court of Appeals. Respondent was sentenced on or about November 7, 2008. A copy of the court's sentencing document is attached as Exhibit A.
- c. On or about April 8, 2010 the Division entered an Order (hereinafter "Order") in DOPL Case No. 2008-32 adopting the Findings of Fact, Conclusions of Law, and Recommended Order of the Osteopathic Physician and Surgeon's Licensing Board, also dated April 8, 2010. A copy of the Order is

incorporated by reference and attached as Exhibit B. A copy of the Finding of Fact, Conclusions of Law, and Recommended Order is incorporated by reference and attached as Exhibit C. The Order revoked Respondent's license to practice as an osteopathic physician and surgeon in the State of Utah, immediately stayed that revocation, and then suspended the license. The Order provided that once certain conditions were met, the suspension of Respondent's license would be lifted and Respondent's license to practice as an osteopathic physician and surgeon in the State of Utah would be placed on probation.

- d. The Division finds that the conditions set forth in the Order for the suspension to be lifted have been met.
- e. Respondent understands and agrees that once the suspension is lifted, his license to practice as an osteopathic physician and surgeon in the State of Utah shall be placed on probation for a period of at least two years, or until Respondent's criminal probation is terminated, whichever is longer. Respondent understands and agrees that Respondent's license to practice as an osteopathic physician and surgeon in the State of Utah shall be subject to the terms and conditions contained in his Stipulation and Order. Respondent understands and agrees that the stayed revocation of Respondent's license to practice as an osteopathic physician and surgeon in the State of Utah remains in effect.
- f. Respondent understands and agrees that if Respondent's criminal conviction that was the basis for the Order in DOPL Case No. 2008-32, is overturned by an appellate court, then the Division shall immediately terminate Respondent's probation. This Stipulation and Order deals only with the terms and conditions of Respondent's administrative probation with the Division. This Stipulation and Order does not address how the Exhibit B and C would be resolved if Respondent's criminal conviction is overturned by an appellate court. This Stipulation and Order does not address how the revocation of Respondent's license would be resolved if Respondent's criminal conviction is overturned by an appellate court.

7. Respondent's conduct as set forth in the findings contained in the Order and Recommended Order described above constitute unlawful and/or unprofessional conduct. Respondent agrees by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and/or (b).

Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

- (1) Respondent's license to practice as an osteopathic physician/surgeon shall remain revoked, but the revocation stayed. The suspension of Respondent's license shall be lifted; Respondent's license shall be subject to a term of probation for a period of two years, or until Respondent's criminal probation is terminated, whichever period of time is longer. The period of probation shall commence on the date the Division Director signs the accompanying Order. During the period of probation Respondent's license shall be subject to all of the following terms and conditions. If the Division in collaboration with the Board later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division. If the criminal conviction that was the basis for the Order in DOPL Case No. 2008-32, is overturned by an appellate court, then the Division shall immediately terminate Respondent's probation.
 - a. Respondent shall meet with the Division and 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 and Board, annually or at such other greater or lesser frequency as the Division may direct. Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. Failure to do so shall be considered a violation of this Stipulation and Order.
 - b. Respondent shall work with a chaperone who observes Respondent's treatment and interaction with female patients. The chaperone shall be in the same room at all times Respondent interacts with a female patient. The chaperone may be a member of Respondent's staff that has been pre-approved by the Division. Respondent shall keep a log, in a form pre-approved by the Division, of every chaperone name and time and date that the chaperone observed Respondent's work. Each chaperone shall

sign the log with their full signature verifying the data entered by Respondent. Respondent's supervisor shall also review all chaperone log entries and verify their accuracy by signature. The supervisor shall submit the chaperone log with the supervisor report to the Division and Board on a monthly basis or at a frequency determined by the Division in collaboration with the Board.

- c. 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.
- d. Respondent shall follow any treatment recommendations made by the evaluator who conducted Respondent's recent psychosexual evaluation. A therapist approved by the Division and Board shall conduct any treatment. Respondent shall execute any necessary releases to allow the therapist to provide reports to the Division and Board regarding Respondent's progress. Respondent's therapy should focus on the areas of concern identified by the evaluator, Division, or Board. Respondent shall cause progress reports to be submitted to the Division and Board quarterly, or at a frequency determined by Division in collaboration with the Board. Respondent shall be responsible for all treatment expenses.
- e. Respondent shall successfully complete a psychological evaluation, conducted by an evaluator pre-approved by the Division in collaboration with the Board, if the Division and Board determine that such a psychological evaluation is necessary. If deemed necessary, Respondent shall sign a release of information agreement permitting the initial report of evaluation to be provided to the Division and Board, subsequent periodic reports of Respondent's progress in therapy, if therapy is required, be provided to the Division and Board, and shall permit communication between Respondent's therapist and the Division and Board.
- f. Respondent shall notify any employer or practice associate of Respondent's restricted status and the terms of this agreement.

- g. Respondent shall successfully complete a course focused on proper boundaries through the PACE program at the University of San Diego. The boundaries course shall be successfully completed no later than December 1, 2010. Respondent shall be responsible for the cost of the course. The course may count toward Respondent's regular continuing education requirement. Respondent shall meet with the Division and Board following his successful completion of the PACE Course to discuss what Respondent learned during the course and to determine if additional conditions or monitoring are necessary to protect the public. Respondent shall submit to the Division and Board a written report of what he learned from the PACE course and how Respondent will adapt his practice to accommodate what he learned in the PACE course.
- h. Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor during the term of Respondent's probation. The supervisor shall be Respondent's criminal probation officer, who is currently Joe Yonk, or another person pre-approved by the Division and Board. Any changes in supervision may be made only with the consent of the Division and Board. Respondent shall deliver a copy of this Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division in writing that a copy has been received.
- i. Respondent shall cause Respondent's supervisor to submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's court and administrative probation. The reports shall be submitted quarterly or at such frequency as directed by the Board and Division. The receipt of an unfavorable report may be considered to be a violation of probation.
- j. If Respondent is not currently employed in Respondent's licensed profession, Respondent shall submit the supervisor report form on the date it is due and indicate on the form that Respondent is not currently employed in Respondent's licensed profession, or that Respondent is not currently working.
- k. In the event Respondent does not practice for a period of sixty (60) days or longer, Respondent shall notify the Division and 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 Division and Board to modify this requirement if Respondent satisfactorily explains to the Division and Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least ten (10) hours per week and no more than sixty (60) hours per week to be considered "practicing" in Respondent's profession.

- l. Respondent shall notify the Division and Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession.

- m. 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.

- n. 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. Minor traffic violations shall not be considered a criminal offense by the Division. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, including an offense based on the conduct described in this Stipulation and Order, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division or Board 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.

- o. Respondent shall maintain a current license at all times during the period of this agreement.
- p. Respondent shall immediately notify the Division and Board in writing of any change in Respondent's residential or business address.
- q. If Respondent's criminal conviction that was the basis for the Order in DOPL Case No. 2008-32, is overturned by an appellate court, then the Division shall immediately terminate Respondent's probation. This Stipulation and Order deals only with the terms and conditions of Respondent's administrative probation with the Division. This Stipulation and Order does not address how the Exhibit B and C would be resolved if Respondent's criminal conviction is overturned by an appellate court. This Stipulation and Order does not address how the revocation of Respondent's license would be resolved if Respondent's criminal conviction is overturned by an appellate court.

8. Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of the specific matters contained in this Stipulation and Order. 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 they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

9. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

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. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

11. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall 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 comply with and timely complete all the terms and conditions of probation. 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 comply with and timely complete a term or condition 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 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

RESPONDENT

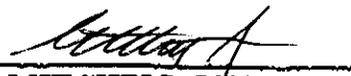
BY: 
NOEL TAXIN
Bureau Manager

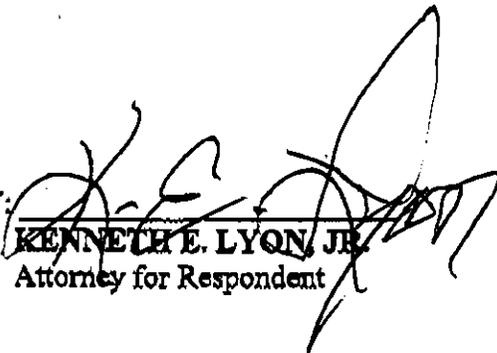
BY: 
RAYMOND LOUIS BEDELL
Respondent

DATE: 5/26/10

DATE: 5/26/10

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

BY: 
KENNETH E. LYON, JR.
Attorney for Respondent

DATE: 26 May 2010

DATE: 5-26/10

ORDER

THE ABOVE STIPULATION, in the matter of **RAYMOND LOUIS BEDELL**, 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). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 26 day of May, 2010.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

Investigator: Galen Keeter