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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)
JEF BLAINE ESQUERRA) **STIPULATION AND ORDER**
TO PRACTICE AS A PHYSICIAN)
ASSISTANT AND TO) **CASE NO. DOPL: 2008-35**
ADMINISTER AND PRESCRIBE)
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

JEF BLAINE ESQUERRA (“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:

- i. 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 State Physician Assistant 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. The Division is permitted to release this Stipulation and Order and other information about this disciplinary action against Respondent to other persons and entities.

7. Respondent neither admits nor denies the allegations against him, but agrees that the Division, for purposes of this administrative matter only, shall make the following findings of fact:

- a. Between 2001 and January 2005, Respondent provided medical treatment to patient Jane Doe to treat her mental health issues and pain. Respondent prescribed amounts of Fentanyl (contained in Actiq lollipops) to Jane Doe in amounts that could be considered excessive. Respondent states that he became aware that Jane Doe had an alcohol abuse problem by Jane Doe's own report. Respondent states that he then referred Jane Doe to a substance abuse program. Respondent states that Jane Doe then reported to

Respondent that she was alcohol free, after which Respondent resumed issuing prescriptions to Jane Doe.

- b. Respondent states that from about November 2004 to about January 2005 Respondent prescribed two Fentanyl 1600 mcg (contained in Actiq lollipops) four times per day for pain and Alprazolam 2 mg twice per day for anxiety.
- c. On or about February 17, 2005, Jane Doe died. The autopsy report indicated that the immediate cause of Jane Doe's death was mixed drug poisoning involving Fentanyl, Alprazolam, and ethanol.
- d. Respondent failed to document sufficient reason for the prescribed amount of opioid treatment in Jane Doe's medical record.
- e. Respondent, failed, as a prescribing practitioner, to follow the chronic pain management guidelines contained in the *Model Policy for the Use of Controlled Substances for the Treatment of Pain, 1998 and 2004*.
- f. Respondent failed to produce a Delegation of Services Agreement with his supervising physician from 2001 to 2005 upon request by the Division.

8. The Division hereby finds that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (j) and Utah Administrative Code R156-1-502(6); and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent agrees to hereby surrender Respondent's licenses to practice as a physician assistant to administer and prescribe 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 as a physician assistant and to administer and prescribe controlled substances in the State of Utah until December 10, 2012. 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 physician assistant and to administer and prescribe 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: *Diana Baker*
DIANA BAKER
Bureau Manager

DATE: 2/13/08

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: *L. Mitchell Jones*
L. MITCHELL JONES
Counsel for the Division

DATE: 02/13/08

RESPONDENT

BY: *Jef Blaine Esquerra*
JEF BLAINE ESQUERRA
Respondent

DATE: 2/8/08

ORDER

THE ABOVE STIPULATION, in the matter of **JEF BLAINE ESQUERRA**, 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 19 day of February, ~~2007~~ 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F. DAVID STANLEY
Director

INVESTIGATOR: SANDRA HESS