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Assistant Attorney General
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Attorney General
Commercial Enforcement Division
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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	)	
DOUGLAS DEE CALLAHAN	)	**STIPULATION AND ORDER**
TO PRACTICE AS AN	)	
OSTEOPATHIC PHYSICIAN/SURGEON	)	CASE NO DOPL 2008-10
AND TO ADMINSTER AND PRESCRIBE	)	
CONTROLLED SUBSTANCES	)	
IN THE STATE OF UTAH	)	

DOUGLAS DEE CALLAHAN ("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 Osteopathic Physician Licensing Board ("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's licenses, to other persons and entities

7 Respondent admits the following facts are true

a Respondent was first licensed as an osteopathic physician/surgeon in the State of Utah on or about June 20, 2003

b Respondent engaged in the practice of pain management as a family practice physician in St George, Utah from 2003 to the present

c A specialist in pain management reviewed eight randomly selected patient charts The specialist determined the following

(1) Respondent failed to properly document prescription and administration of controlled substance medications,

(ii) Respondent failed to sufficiently document the need for prescribing Schedule II controlled substance medications,

(iii) Respondent prescribed Schedule II controlled substance medications to patients whose condition did not justify prescription of a Schedule II controlled substance and dosages of controlled substances in excess of medically recognized quantities necessary to treat the condition, and

(iv) Respondent failed to provide sufficient further workup to ongoing patients who complained of new pain symptoms

d Respondent repeatedly failed to meet the expected medical standard of care for documentation, diagnosis, treatment and monitoring of his pain management patients Respondent also failed to consult pain management experts about medical problems that were beyond Respondent's competency in pain management

e Respondent failed, as a prescribing practitioner, to follow the "Model Policy for the Use of Controlled Substances for the Treatment of Pain," 2004, established by the Federation of State Medical Boards

f Respondent inappropriately prescribed or administered controlled substances to drug dependent persons

8 Respondent admits that Respondent's conduct described above is unlawful conduct under Utah Code Ann § 58-37-6(7)(h)(i) and unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), (g), and (i), Utah Administrative Code R156-1-502(6), and Utah Administrative Code R156-67-502(2) Respondent also recognizes that such conduct and violations justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (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), shall be entered in this matter as follows

(1) Respondent shall pay an administrative penalty of $1,000 00 (one-

1000.00 Fine
Paid 6-4-08
am

thousand dollars) to the Division pursuant to Utah Code Ann § 58-68-402, within 90 days of the effective date of the Order in this matter

(2) Respondent's licenses shall be revoked Those revocations shall be immediately stayed and Respondent's license to prescribe and administer controlled substances shall be suspended until such time as Respondent successfully completes the terms and conditions contained in subparagraph 8(2)f below Respondent's licenses shall be subject to a three year term of probation The period of probation shall commence on the date of the issuance of an Order by the Division director in this matter During probation, the Respondent shall be subject to all of the following terms and conditions If the Board or 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 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 Stipulation and Order Respondent shall meet with the Board quarterly or at such other greater or lesser frequency as the Division may direct thereafter

b Respondent shall identify a supervising physician to supervise Respondent's practice The supervising physician must be in good standing with the Division and shall not be a family member or a business or personal associate The supervising physician shall agree to co-manage practice care issues with Respondent to include the review of 10% of Respondent's medical charts, focusing on Respondent's prescribing practices Respondent shall bear all expenses related to such supervision The supervising physician must be approved by the Division and Board and shall consult with Respondent on a weekly basis regarding practice issues Respondent shall cause the supervising physician to meet with the Board at the first meeting with the Board following the effective date of this Order, to discuss oversight issues and the responsibilities expected of a supervising physician Respondent shall further cause the supervising physician to submit performance evaluations to the Board on a quarterly basis The receipt of an unfavorable report may be considered to be a violation of probation If Respondent is not employed as a physician, Respondent shall submit the employer performance report form on the date it is due and indicate on the form that Respondent is not currently practicing as a physician or that Respondent is not

currently working

c Respondent shall issue prescriptions for controlled substances only on sequentially numbered triplicate scripts One copy of each prescription shall remain in the patient chart and one copy of each prescription shall be sent by Respondent to the Division within one month of issuance

d Respondent shall maintain a log of controlled substances administered to patients in an office setting Said log shall be submitted to the Division and the Board on a quarterly basis

e If Respondent enters into an employment arrangement whereby he is an employee, Respondent shall notify his employer of Respondent's restricted status and the terms of this Stipulation and Order, and shall further cause his employer to submit performance evaluations to the Board on a quarterly basis Respondent shall cause his employer to acknowledge to the Board in writing that a copy of this Stipulation and Order has been provided to the employer by Respondent. The receipt of an unfavorable report shall be considered to be a violation of probation

f Respondent shall successfully complete the Physician Prescribing Course and the Medical Record Keeping Course sponsored by the Physician Assessment and Clinical Education Program or an equivalent course pre-approved by the Board and Division

g Respondent shall successfully complete four additional credit hours of Category One continuing medical professional education focusing on prescribing law and ethics within twelve months of the entry of the Order in this matter The additional four hours shall not count toward Respondent's regular continuing education requirements The courses shall be pre-approved by the Board and Division

h Respondent shall complete and submit to the Board a Self-Assessment Report on a quarterly basis

i Respondent may not supervise any physician assistant in any manner

j In the event Respondent does not practice as a physician for a period of sixty (60) days or longer, Respondent shall notify the

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 Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome

k Respondent shall notify the 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

l 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

m 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 If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division 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

n Respondent shall maintain current Utah physician and controlled substance licenses at all times during the period of probation

o Respondent shall immediately notify the Division in writing of any change in Respondent's residential, business, or mailing address

p Respondent shall submit a practice plan to the Division and Board describing how his practice will function under the restrictions set forth in this Stipulation and Order The practice plan shall be submitted at Respondent's first meeting with the Board

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 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 licensed areas of practice

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

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY
DIANA BAKER
Bureau Manager

DATE 4 21 08

RESPONDENT

BY
DOUGLAS DEE CALLAHAN
Respondent

DATE 4 16/08

MARK L SHURTLEFF
ATTORNEY GENERAL

BY
L. MITCHELL JONES
Counsel for the Division

DATE 21 Apr 2008

ORDER

THE ABOVE STIPULATION, in the matter of **DOUGLAS DEE CALLAHAN,** 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 21 day of April, 2008

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

F David Stanley

F DAVID STANLEY
Director

Investigator Sandra Hess