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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)	SURRENDER
ALEXANDER THEODORE)	STIPULATION AND ORDER
TO PRACTICE AS A)	
PHYSICIAN/SURGEON AND TO)	CASE NO. DOPL . 2008-7
PRESCRIBE AND ADMINISTER)	
CONTROLLED SUBSTANCES)	
IN THE STATE OF UTAH)	

ALEXANDER THEODORE ("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 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, to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent voluntarily entered into a Stipulation and Order in DOPL Case No. 2005-53, which became effective on or about May 9, 2005. A copy of that Stipulation and Order is incorporated by reference into this Stipulation and Order and attached as Exhibit A.
- b. Pursuant to Exhibit A, Respondent's license to practice as a physician/surgeon in the State of Utah was revoked, the revocation was immediately stayed, and the license placed on probation for a period of five years.

- c. Pursuant to Exhibit A, Respondent license to prescribe and administer controlled substances in the State of Utah was revoked, the revocation was immediately stayed and the license was then suspended. Respondent allowed this license to lapse when he failed to renew it on January 31, 2006.
- d. Paragraph 8(1) of Exhibit A provides:

If Respondent is found to be criminally culpable based on the facts related to his practices providing chronic pain management, either by a conviction, a plea of no contest, or a plea of guilty or no contest which is held in abeyance pending the successful completion of probation, the stays on the revocation of respondent's license to practice medicine and license to administer and prescribe controlled substances shall be lifted.
- e. On or about April 11, 2007 Respondent pleaded guilty to five counts of unlawfully distributing/offering/arranging to distribute controlled substances, each a violation of Utah Code Ann. § 58-37-8(1)(a)(ii), and each a second degree felony. These offenses were related to Respondent's providing chronic pain management.
- f. On or about December 14, 2007 Respondent was sentenced for the offenses described above.
- g. Rather than having the stays on the revocation of Respondent's licenses lifted pursuant to paragraph 8(1) of Exhibit A, Respondent desires to surrender Respondent's licenses to practice as a physician/surgeon and to prescribe and administer controlled substances in the State of Utah, and any residual rights related to said licenses.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(c); and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent hereby surrenders Respondent's licenses to practice as a physician/surgeon and to prescribe and administer controlled substances in the State of Utah, as well as all residual rights related to said licenses. 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/surgeon or to prescribe and administer controlled substances in the State of Utah for a period of five years from the date the Division Director signs this Stipulation and Order. 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/surgeon and to prescribe and administer 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: *Jan 14 2008*

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: *[Signature]*
L. MITCHELL JONES
Counsel for the Division

DATE: *14 January 2008*

RESPONDENT

BY: *[Signature]*
ALEXANDER THEODORE

DATE: *4/4/2008*

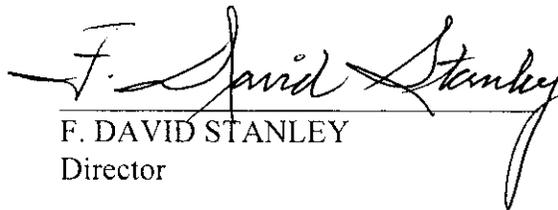
*[Received signed by Respondent
on January 11, 2008]. mg*

ORDER

THE ABOVE STIPULATION, in the matter of **ALEXANDER THEODORE**, 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)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 16 day of January, ~~2007~~ 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

Investigator: Lynn Hooper