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DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING

**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
LINDA PRICE ALEXANDER)	STIPULATION AND ORDER
TO PRACTICE AS A)	
CERTIFIED NURSE MIDWIFE AND TO)	CASE NO. DOPL 2008- 89
ADMINISTER AND PRESCRIBE)	
CONTROLLED SUBSTANCES)	
IN THE STATE OF UTAH)	

LINDA PRICE ALEXANDER ("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 Certified Nurse Midwife 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 a certified nurse midwife and to administer and prescribe controlled substances in the State of Utah on or about August 11, 1997. Respondent's licenses expired on January 31, 2008 when she failed to renew them.
- b. Between about June 1, 2006 and about July 23, 2007 Respondent, on multiple occasions, unlawfully obtained amounts of the controlled substances oxycodone, hydrocodone, and Butalbital APAP/Caff without a valid prescription for her own use.

- c. Respondent unlawfully used the names and Drug Enforcement Agency certification numbers of a Utah doctor and another certified nurse midwife to authorize the dispensing of prescriptions from Utah pharmacies. Respondent called the pharmacies herself and fraudulently used the names of the doctor and certified nurse midwife to have prescriptions issued to herself and her husband.
- d. Respondent desires to surrender Respondent's licenses to practice as a certified nurse midwife and to administer and prescribe controlled substances in the State of Utah.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (h) and unlawful conduct as defined in Utah Code Ann. § 58-37-8(2)(a)(i), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's licenses to practice as a certified nurse midwife and to administer and prescribe controlled substances in the State of Utah and any residual rights pertaining to the 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 certified nurse midwife 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 certified nurse midwife 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 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. 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

RESPONDENT

BY: Laura Poe
LAURA POE
Bureau Manager

BY: Linda Price Alexander
LINDA PRICE ALEXANDER

DATE: 5-6-08

DATE: 5-1-08

MARK L. SHURTLEFF
ATTORNEY GENERAL

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

DATE: 5 May 2008

ORDER

THE ABOVE STIPULATION, in the matter of **LINDA PRICE ALEXANDER**, 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 7 day of May, 2008.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

Investigator: Lynn Hooper