

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
WENDI REES
TO PRACTICE AS A REGISTERED NURSE
IN THE STATE OF UTAH

:
:
DEFAULT ORDER
. Case No DOPL-2009-181
.

The attached Notice of Entry of Default and Recommended Order is hereby adopted by the Director of the Division of Occupational and Professional Licensing of the State of Utah. Respondent's license to practice as a registered nurse is thus revoked, effective the date of this Order.

IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

Dated this 17 day of August, 2009.




Mark B. Steinagel
Director

Pursuant to Subsection 63G-4-209(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

**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	:	NOTICE OF ENTRY
WENDI REES	:	OF DEFAULT AND
TO PRACTICE AS A REGISTERED NURSE	:	RECOMMENDED ORDER
IN THE STATE OF UTAH	:	Case No. DOPL-2009-181

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of a June 22, 2009 notice of agency action. The notice recites Respondent was required to file a response within thirty (30) days of the mailing date of the notice.

The June 22 2009 notice was sent on that date to Respondent's last known address of Salt Lake City, Utah 84103 by both certified and first class mail. The certified mailing was thus received on June 24, 2009. Respondent has not filed a response to the June 18, 2009 Verified Petition.

The Division filed a July 27, 2009 motion for entry of Respondent's default based on her failure to have filed a response. Utah Code Ann §63G-4-209(1)(c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response.

Given Respondent's failure to have filed a response to the June 18, 2009 Verified Petition, the Court concludes a proper

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basis exists to enter Respondent's default and it is so entered. After the entry of a default order, §63G-4-209(4)(a) provides the presiding officer shall conduct further proceedings as necessary to complete the adjudicative proceeding without the participation of the party in default. §63G-4-209(4)(a) also provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party

The Court thus adopts the allegations set forth in Paragraphs 3-11 of the June 18, 2009 Verified Petition as its Findings of Fact. The Court also adopts Paragraphs 19-20, 22-23 and 25-26 of that Petition as its Findings of Fact and Conclusions of Law

Specifically, the Court concludes Respondent engaged in unprofessional and unlawful conduct violative of §58-1-501(2)(a) and (d) when she practiced as a registered nurse in Colorado during 2008 and disciplinary action was entered as to Respondent's license in that state. Respondent's conduct which prompted that disciplinary action would also subject her Utah nursing license to disciplinary action in this state.

Respondent also engaged in unprofessional and unlawful conduct violative of §58-31b-502(5) and §58-37-8(2)(a)(i) when she unlawfully obtained and possessed a controlled substance. Further, Respondent engaged in unprofessional conduct violative of §58-1-501(2)(h) when she negligently falsified or made

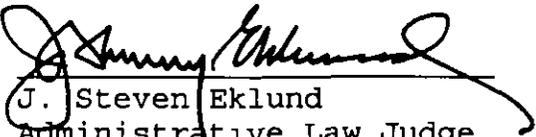
incorrect entries in patients' records. The Court thus concludes a proper factual and legal basis exists to enter a disciplinary sanction as to Respondent's license. Absent any matters offered in defense or mitigation, the Court concludes the following Recommended Order is warranted.

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a registered nurse in this state shall be revoked, effective the date this Recommended Order may be adopted

I hereby certify the foregoing Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order were submitted to Mark B. Steinagel, Director of the Division of Occupational and Professional Licensing, on the 17th day of August 2009 for his review and action.




J. Steven Eklund
Administrative Law Judge