

Dan Lau (U.S.B. No. 8233)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B.No. 4666)
Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 146741
Salt Lake City, UT 84114-6741
TEL: (801) 366-0310
FAX: (801) 530-6301

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)	
SARA A. WELLS)	STIPULATION AND ORDER
TO PRACTICE AS A)	
PHYSICIAN SURGEON AND TO)	CASE NO. DOPL 2009-226
ADMINISTER AND PRESCRIBE)	
CONTROLLED SUBSTANCES)	
IN THE STATE OF UTAH)	

Sara A. Wells ("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. The Respondent admits the jurisdiction of the Division over the Respondent and over the subject matter of this action.

2. The Respondent acknowledges that she enters into this Stipulation knowingly and voluntarily.

3. The Respondent understands that she has the right to be represented by counsel in this matter, and her signature below signifies that she has been represented by Michael Miller in this matter.

4. The Respondent understands that she is entitled to a hearing before the State of Utah's Physician Licensing Board ("Board"), or other Division Presiding Officer, at which time she may present evidence on her own behalf, call witnesses, and confront adverse witnesses. The Respondent acknowledges that by executing this document she hereby waives the right to a hearing and any other rights to which she may be entitled in connection with said hearing.

5. The 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 the Respondent, to other persons and entities.

6. The Respondent admits that the following facts are true:

- a. Between 2004 and 2006, the Respondent provided medical care, including the prescribing of controlled substances and other drugs, to R.M. (identity withheld for purposes of confidentiality). The Respondent failed to maintain any patient records of her care of R.M., nor did she document or record any of the controlled substances or other drugs she had prescribed to him.
- b. The Respondent failed to follow the Utah Controlled Substance Act Rules in her treatment of R.M. by failing to keep accurate and complete records of

any medical history and physical examination, any diagnostic or laboratory results, any evaluations and consultations, any treatment objectives, any medications (including date, type, dosage and quantity prescribed), any discussion of risks and benefits, any instructions and agreements, and any periodic reviews.

7. The Respondent admits that her conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and Utah Administrative Code R156-37-602(1); and that the Respondent's conduct described above justifies disciplinary action against the Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Further, the Respondent agrees that her conduct described above justifies an administrative penalty pursuant to Utah Code Ann. § 58-67-402(1). The Respondent agrees that an Order, which constitutes disciplinary action against the Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a), may be issued in this matter providing for the following action against the Respondent's licenses:

- (1) The Respondent shall pay a fine to the Division in the amount of \$2,000.00 (two-thousand dollars), pursuant to Utah Code Ann. § 58-67-402(1); due and payable within 90 days of the date the Division's Director has signed this Stipulation and Order ("the effective date"). The Respondent hereby waives her rights to a proceeding pursuant to Utah Code Ann. Title 58, Chapter 1.
- (2) The Respondent's licenses to practice as a surgeon and physician and to prescribe and administer controlled substances in the State of Utah shall be publicly reprimanded.

(3)



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(4)

[REDACTED]

The Respondent shall complete six (6) additional hours of continuing medical education ("CME") in ethics and/or medical records keeping issues within 90 days of the effective date. These six hours of CME will be in addition to any required CME hours that the Respondent has to complete in order to remain certified as a physician and surgeon.

8. 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. The 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 prejudice the Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

9. The Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to her practice as a physician/surgeon and the administering and prescribing of controlled substances.

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. 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. The 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. The 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, the 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 the Respondent to revocation or other sanctions.

12. If the Respondent violates any term or condition of this Stipulation and Order, the Division may take action against the Respondent, including imposing appropriate sanctions, in the manner provided by law. Such sanctions may include revocation, probation or suspension of the Respondent's license, or other appropriate sanctions.

13. The Respondent has read each and every paragraph contained in this Stipulation and Order. She understands each and every paragraph contained in this Stipulation and Order, and she has no questions about any paragraph or provision contained in this Stipulation and Order. Further, the Respondent admits that she has not

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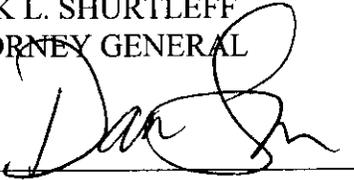
been coerced, bullied or unduly influenced in any way into entering into this Stipulation and Agreement.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY: 
NOEL TAXIN
Bureau Manager

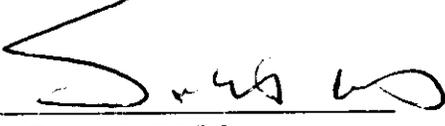
DATE: 10/19/09

MARK L. SHURTLEFF
ATTORNEY GENERAL

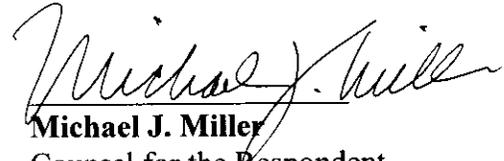
BY: 
Dan Lau
Counsel for the Division

DATE: 10/13/09

RESPONDENT

BY: 
SARA A. WELLS
Respondent

DATE: 10/8/09


Michael J. Miller
Counsel for the Respondent

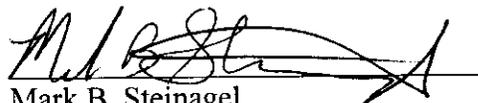
DATE: 10/9/2009

ORDER

THE ABOVE STIPULATION AND ORDER, in the matter of **SARA A. WELLS**, 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). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 20 day of October, 2009.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


Mark B. Steinagel
DOPL Director