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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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IN THE MATTER OF THE LICENSES OF	)	<b>SURRENDER</b>
<b>JOSEPH D. VAN WAGONER</b>	)	<b>STIPULATION AND ORDER</b>
TO PRACTICE AS A	)	
PHYSICIAN/SURGEON AND	)	CASE NO. DOPL 2009- 349
TO ADMINISTER AND PRESCRIBE	)	
CONTROLLED SUBSTANCES	)	
IN THE STATE OF UTAH	)	

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**JOSEPH D. VAN WAGONER** (“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 Physicians 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 understands that by signing this document Respondent hereby knowingly and intelligently waives the right to a hearing, the right to call witnesses on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing.

Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15.

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands 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 license, to other persons and entities.

7. Respondent neither admits nor denies the following, but agrees that the Division may make the following findings of fact, for the purposes of this administrative matter only:

- a. Respondent was first licensed as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah on or about August 21, 1973.
- b. Between about November 2003 and about December 2007, on numerous occasions, Respondent used his own DEA registration certificate and Utah controlled substance license to purchase and receive quantities of hydrocodone, a Schedule II controlled substance, and alprazolam, a Schedule IV controlled substance.
- c. Respondent received the quantities of hydrocodone and alprazolam at a private mail box located inside a Federal Express facility and not at Respondent's place of business or home.
- d. Respondent ingested the hydrocodone and alprazolam described above. Respondent did not have a valid prescription for the hydrocodone or alprazolam nor did a prescribing practitioner lawfully administer or prescribe the hydrocodone or alprazolam to Respondent.
- e. Respondent failed to keep records of the purchase and disposition of the hydrocodone and alprazolam described above.
- f. Respondent suffered a health crisis in the late 1990s and has not practiced medicine since. Respondent does not intend to practice medicine or administer or prescribe controlled substances in the future.
- g. Respondent surrendered his DEA registration certificate in May 2009.
- h. Respondent desires to surrender Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah as well as all residual rights pertaining to said license.

8. Respondent agrees that the findings of fact above constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (h), Utah Administrative Code R156-67-502(1) 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 physician/surgeon and to administer and prescribe controlled substances in the State of Utah as

well as all residual rights pertaining 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 administer and prescribe 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 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 they might otherwise 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.

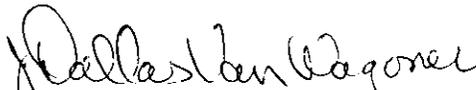
11. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

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:   
NOEL TAXIN  
Bureau Manager

BY:   
JOSEPH D. VAN WAGONER

DATE: 11/9/09

DATE: 11-3-09

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

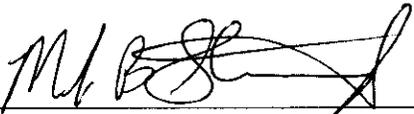
DATE: 9 Nov 2009

**ORDER**

THE ABOVE STIPULATION, in the matter of **JOSEPH D. VAN WAGONER**, 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 10 day of November, 2009.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
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MARK B. STEINAGEL  
Director

Investigator: Vince Garcia