

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 LICENSE OF  
**CATHERINE MAY ODOM**  
TO PRACTICE AS A  
**REGISTERED NURSE**  
IN THE STATE OF UTAH

**DEFAULT ORDER**

Case No. DOPL-OSC-2009-382

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**BY THE DIVISION:**

The attached Notice of Entry of Default, Findings of Fact, Conclusions of Law 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, be surrendered to the Division of Occupational and Professional Licensing.

Dated this 28<sup>TH</sup> day of June 2011.

*W. Reef Welton, Acting Director*  
for Mark B. Steinagel  
Director  
Division of Occupational and  
Professional Licensing

Pursuant to Subsection 63G-4-209(2), 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.

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**NOTICE OF ENTRY OF DEFAULT  
FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER  
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**BY THE ADMINISTRATIVE LAW JUDGE:**

This adjudicative proceeding was initiated pursuant to the issuance of a May 10, 2011 notice of agency action. The notice recites Respondent was required to file a response within twenty (20) days of the mailing date of the notice. The notice also recites a July 14, 2011 hearing is scheduled to be conducted before the Nursing Board.

The May 10, 2011 notice was sent to Respondent's last known address of [REDACTED] Bountiful, Utah 84010 by both certified and first class mail on that date. Postal authorities returned the certified mailing to the Division with a notation that it was unclaimed. The first class mailing has not been returned to the Division. This record does not reflect whether Respondent received that mailing..

Respondent did not submit a response in this proceeding. The Division thus filed a June 9, 2011 motion to enter Respondent's default. §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 any response, the Division requested the Court to enter Respondent's default.

The Division has duly attempted to notify Respondent of this proceeding by providing notice to an address reasonably calculated to inform Respondent of this licensure action. Absent any response filed to the May 9, 2011 Verified Motion to Show Cause, the Court concludes a proper basis exists to enter Respondent's default and her default is hereby 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.

Given the entry of Respondent's default, the July 14, 2011 hearing is hereby canceled. Further, the Court adopts the allegations set forth in Paragraphs 1 through 4 of the May 9, 2011 Verified Motion as its Findings of Fact. Specifically, a December 7, 2009 Order was entered to govern Respondent's license.

That Order contains various terms and conditions. Respondent was required to periodically meet with the Board. She was to also abstain from the personal use or possession of alcohol. Respondent was to also provide samples for drug urinalysis as requested.

Respondent failed to attend a scheduled Board meeting on July 8, 2010. She

also admitted to Division staff on December 20, 2010 that she had recently used alcohol. Respondent also failed to submit a sample for drug testing as scheduled on April 30, 2010, May 17, 2010 and November 18, 2010.

The Court adopts the first paragraph of the legal argument in the May 9, 2011 Verified Motion as its Findings of Fact and Conclusions of Law. Specifically, Respondent engaged in unprofessional conduct violative of Utah Code Ann. §58-1-501(2)(b) when she failed to comply with all provisions of the December 7, 2009 Order.

The Court thus readily finds and concludes a proper factual and legal basis exists to enter disciplinary action on Respondent's license. Absent any matters offered in defense or mitigation, the Court further concludes the following action 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 27<sup>th</sup> day of June 2011 for his review and action.

  
J. Steven Eklund  
Administrative Law Judge  
Department of Commerce