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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
CARRIE NAN FRAMPTON
TO PRACTICE AS A
REGISTERED NURSE
IN THE STATE OF UTAH

DEFAULT ORDER
Case No. DOPL-OSC-2009-406

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 8TH day of August 2011



W. Ray Walker
W. Ray Walker
Acting 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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**IN THE MATTER OF THE LICENSE OF
CARRIE NAN FRAMPTON
TO PRACTICE AS A
REGISTERED NURSE
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**NOTICE OF ENTRY OF DEFAULT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND RECOMMENDED ORDER
Case No. DOPL-OSC-2009-406**

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of a June 28, 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 September 8, 2011 hearing is scheduled to be conducted before the Nursing Board.

The June 28, 2011 notice was sent to Respondent's last known address of

Orem, UT 84058 by both certified and first class mail on that date. The certified mailing was thus received on June 30, 2011. 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 July 26, 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 notified 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 June 23, 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 September 8, 2011 hearing is hereby canceled. Further, the Court adopts the allegations set forth in Paragraphs 1, 2 and 4 of the June 23, 2011 Verified Motion as its Findings of Fact. Specifically, a December 24, 2009 Order was entered to govern Respondent's license. That Order contains various terms and conditions.

Respondent was thus required to provide samples for drug urinalysis as requested. She was to also pay the costs associated with her participation in the drug

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analysis program as required by the December 24, 2009 Order. However, Respondent violated subparagraph 8(2)(i) of that Order when she failed to provide samples for drug urinalysis as scheduled on thirteen (13) occasions between January 4, 2010 and May 12, 2011.

Respondent also violated subparagraph 8(2)(i) of the governing Order when she did not pay Compass Vision (the testing entity) for the costs required to keep her account open for samples to be analyzed between December 16, 2010 and January 11, 2011 and between February 11, 2011 and February 22, 2011.

The Court also adopts the first paragraph of the legal argument in the June 23, 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)(a) when she failed to comply with all provisions of the December 24, 2009 Order.

The Court thus readily finds and concludes a proper factual and legal basis exists to enter disciplinary action as to Respondent's license. Absent any matters offered in defense or mitigation, the Court further concludes the following action is warranted:

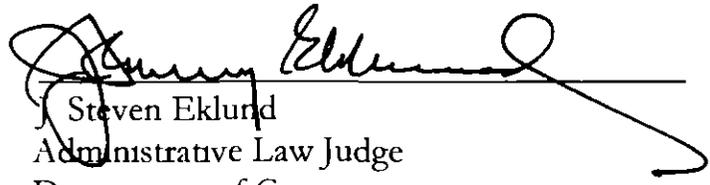
RECOMMENDED ORDER

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

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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 W Ray Walker, Acting Director of the Division of Occupational and Professional Licensing, on the 5th day of August 2011 for his review and action


Steven Eklund
Administrative Law Judge
Department of Commerce