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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 LICENSES OF)	SURRENDER
RANDALL MATTHEW RELYEA)	STIPULATION AND ORDER
TO PRACTICE AS AN)	
OSTEOPATHIC PHYSICIAN/SURGEON AND)	CASE NO. DOPL 2009- 40
TO ADMINISTER AND PRESCRIBE)	
CONTROLLED SUBSTANCES)	
IN THE STATE OF UTAH)	

RANDALL MATTHEW RELYEA (“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 admits the following facts are true:

- a. Respondent was first licensed as an osteopathic physician/surgeon and to administer and prescribe controlled substances in the State of Utah on or about April 8, 2004.

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- b. Between November 2005 and March 2007 Respondent, on numerous occasions, knowingly and intentionally distributed controlled substances, including oxycodone, a Schedule II controlled substance, to numerous patients, friends, and co-workers at the hospital where Respondent worked, and other nearby locations, in eastern Utah. There was no legitimate medical reason to prescribe any of the controlled substances to any of the patients, friends, or co-workers. Respondent knew that some of the patients were drug dependent individuals.
 - c. Between July 2006 and March 2007 Respondent, on numerous occasions, wrote prescriptions for oxycodone to a friend, John Doe. There was no legitimate medical reason that John Doe required the prescriptions of oxycodone. John Doe filled the prescriptions then gave the oxycodone back to Respondent for Respondent's own personal use.
 - d. Between November 2005 and March 2007 Respondent, on numerous occasions, with intent to defraud, knowingly accepted payment based on a fraudulent insurance claim.
 - e. Between 2005 and 2006 Respondent failed to keep a controlled substance log or document in approximately 500 patient's medical records required information regarding controlled substances prescribed to the patient.
 - f. In 2008 several unlabeled bottles containing various controlled substances were found in Respondent's office. Respondent was not lawfully prescribed any of the controlled substances contained in the bottles.
 - g. On or about July 15, 2007 Respondent was arrested by Helper City police officers. Respondent was later charged with driving under the influence of drugs. On or about March 28, 2008 Respondent pleaded guilty to one count of drug related reckless driving. Respondent was fined and placed on probation for 12 months.
 - h. On or about July 27, 2007 Respondent was arrested by Utah Highway Patrol officers in Helper City and was later charged with driving under the influence of drugs. On or about March 28, 2008 Respondent pleaded guilty to one count of drug-related reckless driving. Respondent was fined and placed on probation for 12 months.
 - i. On or about July 25, 2008 Respondent's Drug Enforcement Administration registration certificate was revoked.

- j. A contractor repairing problems in a vacant home formerly owned by Respondent found more than 800 patient medical records, containing personal information (including name, date of birth, and social security number) about Respondent's patients, abandoned by Respondent in the garage area.
- k. On or about January 22, 2009 Respondent pleaded guilty to two counts of arranging to distribute a controlled substance, each a second degree felony, two counts of arranging to distribute a controlled substance, each a third degree felony, and one count of insurance fraud, a Class B misdemeanor, in Seventh District Court in Carbon County, Utah.
- l. Respondent desires to surrender Respondent's licenses to practice as an osteopathic physician/surgeon in the State of Utah as well as all residual rights pertaining to said licenses.

8. Respondent admits, for the purposes of this administrative matter only, that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), (c), and (h), Utah Administrative Code R156-37-502(1)(a), (2), and (6), R156-67-502(4), R156-67-602(1) and (4)(a), R156-67-603(2), and Principles II, III, and IV of the Code of Ethics of the American Medical Association, and unlawful conduct as defined in Utah Code Ann. § 58-37-8(1)(a)(ii); 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 an osteopathic physician/surgeon and to administer and prescribe controlled substances in the State of Utah along with 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 an osteopathic physician surgeon or to administer and prescribe controlled substances in the State of Utah for a period of seven years from the date the Division Director

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signs this Stipulation and Order. Within six months prior to the date of any such application for licensure, Respondent shall successfully complete psychological and chemical dependency evaluations conducted by a Division-approved evaluator and submit the evaluation report to the Division. Within six months prior to the date of any such application for licensure, Respondent shall successfully complete a comprehensive evaluation by the Colorado Personalized Education for Physicians (CPEP) and submit the evaluation report to the Division. Respondent shall complete all education and treatment recommended by CPEP prior to submitting an application for licensure. In the event that CPEP refuses admission to Respondent or CPEP does not exist as an evaluative facility at the time of such application for license by Respondent, Respondent shall obtain an evaluation which is comparable to a comprehensive evaluation by CPEP and which is conducted by a facility pre-approved by the Division. Within six months prior to the date of any such application for licensure, Respondent shall obtain a passing score on the Special Purpose Examination of the Federation of State Medical Boards (SPEX). 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 an osteopathic 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

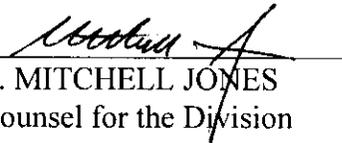
BY: 
NOEL TAXIN
Bureau Manager

BY: 
RANDALL MATTHEW RELYEA

DATE: 2/17/09

DATE: 2/12/09

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 17 Feb 2009

ORDER

THE ABOVE STIPULATION, in the matter of **RANDALL MATTHEW RELYEA**, 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 17 day of February, 2009.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

Investigator: Lynn Hooper