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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)	MEMORANDUM OF
NATHAN ROBERT CURRIER)	UNDERSTANDING AND
TO PRACTICE AS A PHYSICIAN/SURGEON)	ORDER
AND TO ADMINISTER AND PRESCRIBE)	
CONTROLLED SUBSTANCES)	CASE NO. DOPL 2009- 48
IN THE STATE OF UTAH)	

NATHAN ROBERT CURRIER (“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 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, to other persons and entities.

5. Respondent admits the following facts are true:

- a. Respondent submitted an application for licensure to practice as physician/surgeon and to administer and prescribe controlled substances in the State of Utah on or about December 17, 2008.
- b. On or about May 14, 2004 Respondent voluntarily entered into a Stipulation and Order in DOPL Case No. 2004-127 with the Division. Respondent admitted to gross negligence and unprofessional conduct. Respondent surrendered his controlled substance license until certain conditions were met.
- c. On or about June 21, 2004 Respondent voluntarily entered into a second Stipulation and Order in DOPL Case No. 2004-127 with the Division. Respondent's licenses to practice as a physician and to administer and prescribe controlled substances in the State of Utah were revoked, the revocations stayed, and the licenses were placed on probation, subject to certain terms and conditions, for a period of three years.
- d. On or about March 1, 2006 the Division filed an Order to Show Cause Petition alleging that Respondent had violated the terms and conditions of the Stipulations and Orders in DOPL Case No. 2004-127.
- e. On April 12, 2006 a hearing was held before the Utah Physician Licensing Board ("Board"). After the hearing, the Board recommended that both of Respondent's licenses be revoked. On June 22, 2006 the Division issued an Order revoking Respondent's licenses.
- f. On July 19, 2006 Respondent submitted a request for Agency Review and stay of the Division's Order. On August 15, 2006 the Division of Commerce

issued an Order denying Respondent's request for a stay of the Division's Order. On November 6, 2006 the Division issued an Order affirming the Division's actions against Respondent's licenses.

- g. Respondent desires to enter into an agreement whereby Respondent will be granted probationary licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah, subject to the terms and conditions contained in this Stipulation and Order.

6. The Division shall issue probationary licenses to Respondent to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah. Respondent admits that Respondent's conduct described above is unprofessional and/or unlawful conduct. The issuance of the Order in this matter is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's licenses, will be issued in this matter providing for the following action regarding Respondent's licenses:

- (1) Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances shall be subject to a term of probation for a period of three years. The period of probation shall commence on the date the Division Director signs the accompanying Order. During the period of probation Respondent's license shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division.
 - a. Respondent shall meet with the Board within thirty (30) days of the signing of the accompanying Order. Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Board to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division or Board, annually or at such other greater or lesser frequency as the Division or Board may direct.
 - b. Respondent shall submit a practice plan to the Division and Board within 30 days of the effective date of this Stipulation and Order.

The plan shall be approved by the Division and Board.

- c. Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. Failure to do so shall be considered a violation of this Stipulation and Order.
- d. Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
- e. All reports and documentation required in this Stipulation and Order shall be submitted to the Division and Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis.
- f. Respondent shall notify any employer or practice associate of Respondent's restricted status and the terms of this agreement. Respondent shall cause his employer to notify the Division in writing that the employer has received a copy of this Stipulation and Order. Respondent shall cause his employer to submit an employer report to the Division and Board every six months.
- g. Respondent shall successfully complete prescribing and documentation courses at PACE or another comparable provider. The courses shall be completed within one year of the effective date of this Memorandum of Understanding and Order, and shall be pre-approved by the Division and Board.
- h. Respondent shall not engage in private practice, and shall work only for an agency, until otherwise determined by the Division and Board.
- i. Respondent shall issue prescriptions for controlled substances only on sequentially numbered triplicate scripts. One copy of each prescription shall remain in the patient chart and one copy of each

prescription shall be sent by Respondent to the Division within one month of issuance. Respondent shall keep an accurate log of all controlled substance and prescriptions that Respondent administers.

- j. Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor during the term of Respondent's probation. Any changes in supervision may be made only with the consent of the Division and Board. Respondent shall deliver a copy of this Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division in writing that a copy has been received and provide the Division with a copy of the supervisor's curriculum vitae. The supervisor shall meet the Division and Board either in person or by teleconference by Respondent's second meeting with the Board.
- k. Respondent shall meet weekly with Respondent's supervisor. The supervisor shall review 20% of Respondent's patient files. The supervisor shall determine which files to review.
- l. Respondent shall cause Respondent's supervisor to submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's probation and ethics. The reports shall be submitted monthly for the first six months and quarterly thereafter, or at such frequency as directed by the Board and Division. The reports shall address Respondent's professionalism, prescriptions reviewed, and compliance with state and federal prescribing practices. The receipt of an unfavorable report may be considered to be a violation of probation.
- m. If Respondent is not currently employed in Respondent's licensed profession, Respondent shall submit the supervisor report form on the date it is due and indicate on the form that Respondent is not currently employed in Respondent's licensed profession, or that Respondent is not currently working.
- n. Respondent's interaction and treatment of any female patient under age 50 shall be observed by a third party at all times. The Division and Board may determine a different age limit for chaperoned patients. Respondent shall keep a log in which each chaperone shall enter date, time and name of each female patient under age 50 treated. Each chaperone shall also sign the log.

- o. Respondent shall discuss the professional boundary course he had already successfully completed with the Division and Board at Respondent's first or second meeting with the Board. If so determined by the Division and Board following that meeting, Respondent shall successfully complete another course focused on professional boundaries, pre-approved by the Division, to be completed within one year of the effective date of this Memorandum of Understanding and Order.
- p. Respondent shall submit an evaluation report from Respondent's current therapist summarizing Respondent's current state of mental health and providing an opinion as to whether additional therapy, and if so, what type of therapy, is needed by Respondent. If therapy is recommended by the current therapist, Respondent shall comply with all therapy recommendations made by the current therapist. Respondent shall submit any therapy reports at the frequency described in subparagraph (e) above. Respondent shall sign any release or permission form to allow any therapist to provide whatever information is requested by the Division and Board.
- q. Respondent shall not treat any patient suffering from chronic pain until the Division and Board pre-approve any such treatment.
- r. In the event Respondent does not practice for a period of sixty (60) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.
- s. Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession.
- t. If Respondent leaves the State of Utah for a period longer than

sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order.

- u. If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, including an offense based on the conduct described in this Stipulation and Order, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.
- v. Respondent shall maintain current licenses at all times during the period of this agreement.
- w. Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.

7. Upon approval by the Director of the Division, this Memorandum of Understanding and Order 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 Memorandum of Understanding and Order and that if the Director does not do so, this Memorandum of Understanding and the representations contained therein shall be null and void,

except that the Division and the Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Memorandum of Understanding, and this waiver shall survive such nullification.

8. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has violated any of the terms and conditions contained in the Memorandum of Understanding and Order, the period of probation shall be tolled until the Petition is fully resolved.

9. 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 Memorandum of Understanding and Order. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Memorandum of Understanding and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Memorandum of Understanding and Order.

10. The accompanying Order becomes effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Memorandum of Understanding immediately following the Division Director's signing of the Order page of this Memorandum of Understanding and Order. Respondent shall comply with and timely complete all the terms and

conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Division and Board. Failure to comply with and timely complete a term or condition shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions.

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

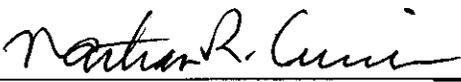
12. Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure. If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions on Respondent's license will be lifted and Respondent's license will not be subject to further restriction.

13. Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order. Respondent understands each and every paragraph contained in this Memorandum of Understanding and Order. Respondent has no questions about any paragraph or provision contained in this Memorandum of Understanding and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: 
NOEL TAXIN
Bureau Manager

BY: 
NATHAN ROBERT CURRIER
Respondent

DATE: 2/17/09

DATE: 2/17/09

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

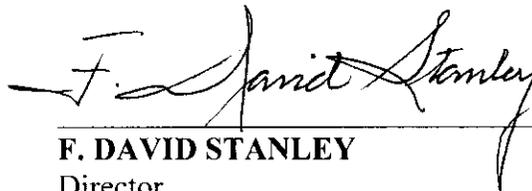
DATE: 17 Feb 2009

ORDER

THE ABOVE MEMORNDUM OF UNDERSTANDING, in the matter of **NATHAN ROBERT CURRIER**, 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 the Order in this matter is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Memorandum of Understanding are incorporated herein and constitute my final Order in this case.

DATED this 18 day of February, 2009.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F. DAVID STANLEY
Director