

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
Box 146741
Salt Lake City, UT 84114-6741
TEL: (801) 530-6628

**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 : **NOTICE OF AGENCY ACTION**
SHARON MORSE BISHOP : **AND ORDER TO SHOW CAUSE**
TO PRACTICE AS A : **TO TERMINATE DIVERSION**
REGISTERED NURSE : **AGREEMENT**
IN THE STATE OF UTAH :
: Case No. D- 645

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO:

SHARON MORSE BISHOP ("Respondent")
[REDACTED]
Salt Lake City, UT 84117

The Division of Occupational and Professional Licensing ("Division"), pursuant to Utah Code Ann. §§ 58-1-404(14), 63G-4-201, and 63G-4-204 through 63G-4-209, and Utah Administrative Code R156-46b-201(2), hereby provides notice of proceedings to terminate your Diversion Agreement, suspend your license, and stay that suspension in favor of an order of probation consisting of the same terms and conditions set forth in the Diversion Agreement.

Information has been brought to the attention of the Division Director that may support a finding that you violated the terms and conditions of the Diversion Agreement that you entered into with the Division, which Agreement is attached as Exhibit A, as follows:

1. You violated paragraph 3(g) of the diversion agreement by failing to submit a sample for drug analysis testing on a date requested by the Division on or about October 31, 2009; November 2, 2009; November 17, 2009; November 27, 2009; December 11, 2009; and January 7, 2010.
2. You violated paragraph 3(i) of the diversion agreement by failing to meet with the diversion committee on or about September 22, 2009 and on or about January 26, 2010.
3. You violated paragraph 4(b) of the diversion agreement when you used alcohol on or about September 21, 2009; October 2, 2009; October 14, 2009; and October 22, 2009. You admitted to Division personnel that you had used alcohol on a number of occasions in September and October 2009.

The Division Director has consulted with the Diversion Advisory Committee and determined that it is in the best interests of the public to issue this Order to Show Cause as follows:

YOU ARE HEREBY ORDERED to appear at a hearing to be conducted before the Division to determine whether, based upon the information provided above, you have violated your Diversion Agreement and whether your Diversion Agreement should be terminated. This proceeding will be conducted as a formal adjudicative proceeding pursuant to Utah Administrative Code R156-46b-201(2) and Utah Code Ann. § 63G-4-201(2)(a)(v) according to the provisions of §§ 63G-4-204 through 63G-4-209, except as otherwise provided in Utah Code Ann. § 58-1-404(14).

The hearing in this matter is scheduled to be conducted as follows:

Date: April 26, 2010
Time: 9:00 am
Place: Room 475
Heber Wells Building
160 East 300 South
Salt Lake City, UT 84114

Please be advised of the following information relating to your hearing:

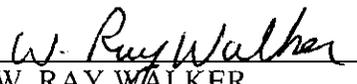
1. You may represent yourself or be represented by legal counsel at the hearing and at all times while this action is pending. If you are represented in this matter by legal counsel, your counsel should file an Entry of Appearance with the Division.
2. The hearing will be conducted formally according to the provisions of rules adopted under Utah Code Ann. §§ 63G-4-204 through 63G-4-209, except as otherwise provided in Utah Code Ann. § 58-1-404(14).
3. J. Steven Eklund, Administrative Law Judge, will serve as the presiding officer at the hearing. Judge Eklund's mailing address and telephone number are as follows: Heber M. Wells Building, 160 East 300 South, P.O. Box 146701, Salt Lake City, UT 84114-6701, (801) 530-6648.
4. L. Mitchell Jones, Assistant Attorney General, will represent the Division at the hearing. Mr. Jones's mailing address and telephone number are as follows: Office of Utah Attorney General, 5th Floor, Heber M. Wells Building, 160 East 300 South, P.O. Box 140872, Salt Lake City, UT 84114-0872, (801) 366-0310.
5. You may file a written response with the Division in advance of the hearing. You are not required to file a written response, but your written response might be helpful in clarifying, refining, or narrowing the facts relating to alleged violations of the Diversion Agreement.
6. During the hearing, you may present evidence on your own behalf, call witnesses, confront adverse witnesses, and comment on the issues.
7. Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence on behalf of either party and all parties shall have access to information contained in the Division's diversion file to the extent permitted by law.
8. After the hearing, Judge Eklund will submit findings of fact, conclusions of law, and a recommended order to the Division Director for his subsequent review and action.
9. If the Division Director, based upon the evidence and arguments presented during the hearing, finds that you have violated the Diversion Agreement and that terminating the Diversion Agreement is in the best interests of the public, the Division Director shall issue an order (1) terminating the Diversion Agreement; (2) suspending your professional license; and (3) staying that suspension in favor of an order of probation, consisting of the same terms as those which comprise the Diversion Agreement. The period of the probation shall be the time period remaining under the Diversion

Agreement or five years from the date of the order of license suspension and probation, whichever is longer, unless otherwise agreed upon by the parties. Such period of probation would be tolled during any time in which you fail to maintain your license(s) in an active status in the State of Utah.

You may choose to resolve this matter by stipulation instead of a hearing by signing a Stipulation to Terminate Diversion Agreement and Order to the Division within 15 days of the date of this Notice of Agency Action and Order to Show Cause. The Stipulation and Order provides, among other things, that you consent to an Order finding that you are in violation of your Diversion Agreement, and that you surrender your license to practice as a registered nurse in the State of Utah along with all residual rights pertaining to said license.

If you fail to appear for the hearing the Division will seek to have you held in default without further notice to you. If you are held in default, the Division Director may enter findings of fact, conclusions of law, and an order terminating your Diversion Agreement, suspending your license(s), staying the suspension, and placing your license(s) on probation for at least five years and under the same terms as the Diversion Agreement.

DATED this 22ND day of March, 2010.


W. RAY WALKER
Regulatory and Compliance Officer