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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) **SURRENDER**
JULIA L. VANMEETEREN) **STIPULATION AND ORDER**
TO PRACTICE AS A)
LICENSED PRACTICAL NURSE) **CASE NO DOPL 2010- 280**
IN THE STATE OF UTAH)

JULIA L. VANMEETEREN (“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 Board of Nursing ("the 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 waives the right to a hearing, the right to present evidence 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 waives all rights to any administrative and judicial review as set forth in Utah Code Ann §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-46b-12 through R151-46b-15 Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann § 63G-4-102(4)

5 Respondent waives any and all rights set forth in Utah Code Ann § 58-1-404(14) regarding the right to an order show cause hearing Respondent waives any and all rights set forth in Utah Code Ann § 58-1-404(14)(c) which provides that Respondent's license shall be suspended, and the suspension stayed, in favor of the sanctions set forth below providing that Respondent's license shall be revoked and the revocation stayed, along with all other sanctions contained herein Respondent further waives any and all rights set forth in Utah Code Ann § 58-1-404(14)(h) providing Respondent with the right to a further formal adjudicative proceeding to

contest the lifting of the suspension of Respondent's license that Respondent waived in the prior sentence, in favor of the sanction set forth below providing that Respondent's license shall be revoked and the revocation stayed, along with all other sanctions contained herein Respondent waives all other procedural and substantive rights contained in Utah Code Ann § 58-1-404

6 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

7 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

8 Respondent admits the following facts are true

- a Respondent was first licensed to practice as a licensed practical nurse in the State of Utah on or about July 7, 2005 Respondent's license expired on January 31, 2010 when Respondent failed to renew it
- b Respondent violated paragraph 4(g) of the diversion agreement by failing to submit a sample for drug analysis testing on a date requested by the Division Respondent has never signed up for drug testing services with Compass Vision, the Division's drug testing contractor Respondent has missed seven months of required drug testing
- c Respondent violated paragraph 4(i) of the diversion agreement by failing to meet with the diversion committee on or about February 23, 2010, April 27, 2010, and July 27, 2010
- d Respondent violated paragraph 4(k)(i) of the diversion agreement by failing to submit quarterly employer reports to the diversion committee on April 27, 2010 and July 27, 2010
- e Respondent violated paragraph 4(k)(iii) of the diversion agreement by failing to submit quarterly therapy reports from Respondent's personal counselor on April 27, 2010 and July 27, 2010

- f Respondent violated paragraph 4(k)(iv) of the diversion agreement by failing to submit records of support group attendance on or about February 23, 2010, April 27, 2010, and July 27, 2010 to the diversion committee
- g Respondent violated paragraph 4(u) of the diversion agreement by failing to maintain current Utah licensure during the period of the diversion agreement Respondent allowed her Utah LPN license to expire on or about January 31, 2010
- h In Respondent's diversion agreement Respondent admitted that in 2009 Respondent diverted Percocet, a Schedule II controlled substance, from Respondent's place of employment Respondent admitted that Respondent took the Percocet from patients that had been discharged or whose medications were being returned or destroyed Respondent also admitted that Respondent had a drug dependency problem
- i Respondent has engaged in the use of drugs, narcotics, or similar chemicals to the extent that the conduct might reasonably be considered to impair Respondent's ability to practice safely as a nurse
- j Respondent desires to surrender Respondent's license to practice as a licensed practical nurse in the State of Utah as well as all residual rights pertaining to said license Respondent desires to terminate Respondent's participation in the Division's Utah Recovery Assistance Program and terminate Respondent's Diversion Agreement

9 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (e) and § 58-31b-502(5), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent hereby surrenders Respondent's license to practice as a licensed practical nurse in the State of Utah along with all residual rights pertaining to said license Respondent hereby agrees that Respondent's participation in the Utah Recovery Assistance Program and Respondent's Diversion Agreement are hereby terminated 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(6) and Utah Code Ann § 58-1-401(2)(a)

Respondent agrees not to reapply for licensure as a nurse in the State of Utah until (1) a period of five years from the effective date of this Stipulation and Order has elapsed, and (2) Respondent is able demonstrate that Respondent has not used alcohol, or drugs for which Respondent does not have a current valid prescription, for a period of at least one year, by providing monthly drug test results to the Division for the 12 months just prior to application. 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 a nurse in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

10 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.

11 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.

12 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 understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state

13 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 *Laura Poe*
LAURA POE
Bureau Manager

BY *Julia L VanMeeteren*
JULIA L VANMEETEREN

DATE 9-8-10

DATE 9, 8, 10

MARK L SHURTLEFF
ATTORNEY GENERAL

BY *L Mitchell Jones*
L MITCHELL JONES
Counsel for the Division

DATE 8 Sep 2010

ORDER

THE ABOVE STIPULATION, in the matter of **JULIA L. VANMEETEREN**, 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 0 day of September, 2010

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator Irene Woodford