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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)
MICHAEL SCOTT ROUNDY, M.D., TO) **STIPULATION AND ORDER**
PRACTICE AS A PHYSICIAN AND SURGEON)
AND TO PRESCRIBE AND ADMINISTER) **CASE NO. DOPL-²⁰¹⁰⁻295**
CONTROLLED SUBSTANCES IN THE)
STATE OF UTAH)

Michael Scott Roundy ("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. The Respondent admits the jurisdiction of the Division over himself and over the subject matter of this action.
2. The Respondent acknowledges that he enters into this Stipulation and Order ("Stipulation") knowingly and voluntarily.
3. The Respondent understands that he has the right to be represented by counsel in this matter, and he has been represented in this matter by Peter Stirba.

4. The Respondent understands that he is entitled to be served with a Petition and a Notice of Agency Action in this matter, and that he is further entitled to a hearing before the State of Utah Board of Physicians Licensing Board (“the Board”), or other Division Presiding Officer, at which time the Respondent may present evidence on his own behalf, call witnesses, confront adverse witnesses and address adverse evidence. The Respondent acknowledges that by executing this document he is receiving a de facto Petition and Notice of Agency Action, and he is waiving his right to answer the de facto Petition and Notice of Agency Action, to participate in a hearing, to present witnesses and evidence at a hearing, to confront adverse witnesses and adverse evidence at a hearing, and to any other rights to which he may be entitled in connection with said hearing. The Respondent further understands that by signing this Stipulation he hereby waives all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Admin. Code R151-46b-12 through R151-46b-15. The Respondent and the Division hereby express their intent that this matter be resolved expeditiously through a stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. The Respondent acknowledges that this Stipulation, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

6. The Respondent admits to the following facts:

- a. That on or about December 2008, the Respondent entered into a romantic relationship with a female patient and co-worker. During the course of this relationship, the Respondent prescribed controlled substances for the treatment of pain for this female. The Respondent failed to document medical notes, records or files on his treatment of this female patient.
- b. Since May 2010, the Respondent has been living with this female, and the Respondent no longer has a doctor-patient relationship with this individual.

Further, the Respondent no longer prescribes drugs for her and no longer works with her..

7. The Respondent admits that his conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(b) and (g), and that said conduct justifies disciplinary action against the Respondent's licenses pursuant to Utah Code Ann. § 58-1-401. The Respondent, therefore, agrees that an Order may be entered in this matter imposing the following sanctions and restrictions on his licenses:

The Respondent's licenses to practice as a physician and surgeon and to prescribe controlled substances in the State of Utah, license numbers 5349062-1205 and 5349062-8905, will be placed on probation for three (3) years with the following conditions:

1. The Respondent will meet with the Board and Division at a frequency determined by the Board and Division.
2. The Respondent agrees to abide by all provisions of the AMA Code of Ethics and all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice as a physician and the administering and prescribing of controlled substances.
3. Within one (1) year from the effective date of this Stipulation, the Respondent will attend and complete the PACE Prescription Course and the PACE Boundaries Course at the PACE Program at UCSD in San Diego.
4. After completing the PACE programs, the Respondent will draft an essay on how he is going to change his practices, what he has learned from the classes and the disciplinary process that he has gone through, and what he is going to do to ensure that these kinds of violations never occur again. The Respondent will submit this essay to the Division and Board within one month after completing both required PACE programs.
5. The Respondent will practice under the general supervision of a Board-approved supervisor. This supervisor will be a licensed physician in good standing with the Division and the State of Utah. The Respondent will meet with his supervisor on a weekly basis or at a frequency determined by the Board and

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Division. The Respondent will review medical ethics, boundaries, prescribing practices, professionalism and 20 percent of his medical records with his supervisor. The Respondent shall cause his supervisor to submit reports to the Board and Division assessing the Respondent's compliance with the terms of the Respondent's probation. The reports shall be submitted monthly for the first six months, then quarterly or at such frequency as directed by the Board and Division. The receipt of an unfavorable report may be considered to be a violation of probation. The Respondent will make sure the supervisor has full knowledge of this Stipulation and all the underlying facts that led to this Stipulation. The supervisor will acknowledge that he or she has full knowledge of all the required facts in writing. If the Board and Division request that the supervisor appear at a Board meeting, he or she will make himself or herself available at the next scheduled Board meeting.

6. If the Respondent is self-employed, he needs to fill out the appropriate paperwork with the Division. If the Respondent is not self-employed, his employer will submit monthly reports to the Board/Division for the first six months of his probationary period and submit reports on a quarterly basis thereafter.

7. The 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.

8. The Respondent shall notify any employer or practice associate of his restricted status and the terms of this agreement.

9. In the event the Respondent does not practice for a period of sixty (60) days or longer, the Respondent shall notify the Division and Board in writing of the date he ceased practicing. The period of time in which the Respondent does not practice shall not be counted toward the probationary time period of this Stipulation and Order. It shall be within the discretion of the Division and Board to modify this requirement if the Respondent satisfactorily explains to the Division and Board that compliance in his case was impractical or unduly burdensome. The Respondent must work at least ten (10) hours per week and no more than an average of sixty (60) hours per week (over the period of a month) to be considered "practicing" in the Respondent's profession.

10. The Respondent shall notify the Division and Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether the Respondent is employed in his chosen profession of medicine.

11. If the Respondent leaves the State of Utah for a period longer than sixty (60) days, he shall notify the Division and Board in writing of the dates of his departure and return. The licensing authorities of the jurisdiction to which the Respondent moves shall be notified by him 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.

12. If the 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 the 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, the Respondent agrees to cause the Division and Board to be notified immediately. Minor traffic violations shall not be considered a criminal offense by the Division. If the 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 or Board may take appropriate action against the Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include the revocation or suspension of the Respondent's licenses, or other appropriate sanctions.

13. The Respondent shall maintain current licenses at all times during the period of this agreement.

14. The Respondent shall immediately notify the Division in writing of any change in his residential or business addresses.

8. Upon approval by the Director of the Division, this Stipulation shall be the final compromise and settlement of the specific matters contained in this Stipulation. The Respondent acknowledges that the Director is not required to accept the terms of this Stipulation 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 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 Stipulation, and this waiver shall survive such nullification.

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 Stipulation. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. The Respondent agrees not to take any action or make any public statements that create, or tend to create, the impression that any of the matters set forth in this Stipulation are without a 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 Stipulation and Order.

10. The accompanying Order becomes effective immediately upon the approval of this Stipulation and the signing of the Order by the Division Director. The Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation. The Respondent shall comply with and timely complete all of the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation, the Respondent agrees that the time period for completion of that term or condition shall be set by the Board and Division. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and may subject the Respondent to the revocation of his professional licenses or other sanctions.

11. If the Respondent violates any term or condition of this Stipulation, the Division may take action against the Respondent, including imposing appropriate sanctions, in the manner provided

by law. Such sanctions may include the revocation or suspension of the Respondent's licenses, or other appropriate sanction.

12. The Respondent has read each and every paragraph contained in this Stipulation. He understands each and every paragraph contained in this Stipulation and Order, and he has no questions about any paragraph or provision contained in this Stipulation and Order. The Respondent also agrees and admits that he was not unduly influenced, coerced or bullied in any way into signing this document/Stipulation.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

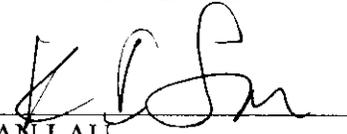
BY: 
Noel Taxin
Bureau Manager

BY: 
Michael Scott Roundy
Respondent

DATE: 9/14/10

DATE: 9/13/10

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
DAN LAU
Counsel for the Division

BY:  for Peter Stirba
PETER STIRBA
Attorney for Respondent

DATE: 9/14/10

DATE: 9/13/10

ORDER

THE ABOVE STIPULATION, in the matter of **Michael Scott Roundy**, 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). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 16 day of September, 2010.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator: Irene Woodford