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BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE ISSUANCE OF) **MEMORANDUM OF**
A PROBATIONARY LICENSE TO) **UNDERSTANDING AND ORDER**
CAROLINE CLUFF HANLIN TO)
PRACTICE AS A MASSAGE THERAPIST) **CASE NO. DOPL 2010- 299**
IN THE STATE OF UTAH)

CAROLINE CLUFF HANLIN ("Respondent") submitted an application for initial licensure as a massage therapist in the State of Utah on or about August 2, 2010. On the corrected, second Qualifying Questionnaire requested by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division"), Respondent answered "yes" to questions #14, #18, #19 and #21. Documentation has been received by the Division showing that Respondent pleaded guilty, on or about June 17, 2008, to one count of domestic violence in the presence of a child, a Class B misdemeanor, in the Herriman Justice Court, Salt Lake County, State of Utah. The plea was held in abeyance. Respondent also pleaded guilty, on or about March 12, 2010, to one count of interference with arresting officer, a Class B misdemeanor, in the Riverton Justice Court, Salt Lake County, State of Utah. Respondent also pleaded guilty, on or about March 12, 2010, to one count of intoxication, a Class C misdemeanor, in the Riverton Justice Court, Salt Lake County, State of Utah. Respondent failed to inform the Division of her criminal convictions on her initial application.

Based upon Respondent's pleas of guilty and misstatements on her initial application, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as a massage therapist in the State of Utah, subject to the following terms and conditions, which shall be in effect for a period of two years, commencing upon the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by

his signature

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (c) and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(e). Respondent admits that Respondent's conduct that led to the criminal convictions described above is moral turpitude and/or reasonably related to Respondent's ability to safely and competently practice as a massage therapist. Respondent understands that the issuance of the Order in this matter is disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2).
- 2 Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement.
- 3 Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter.
- 4 Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Memorandum of Understanding and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.
- 5 Respondent shall successfully complete and satisfy the following terms and conditions:
 - a Respondent shall meet with the Board at the first scheduled Board meeting following the effective date of this Memorandum of Understanding and Order. Respondent shall then meet with the Board on a bi-monthly basis or at such other greater or lesser frequency as determined by the Board and Division for the duration of the Memorandum of Understanding and Order. Respondent agrees to meet with an assigned staff member prior to the first Board meeting.
 - b Respondent shall complete all terms and conditions of any criminal sanctions, incurred before or during the period of this agreement, including probation or parole. Respondent shall provide the Division with a copy of documentation showing completion of the Court ordered alcohol/substance abuse evaluation/assessment and compliance with any recommended treatment. If Respondent has not successfully completed all the terms and conditions of Respondent's criminal probation, including completion of the Court ordered drug/alcohol evaluation/

assessment and compliance with any recommended treatment, at the time Respondent's administrative probationary period ends, the period of Respondent's administrative probation shall be extended until all the conditions of Respondent's criminal probation have been successfully completed

- c Respondent shall submit to the following course of treatment as part of Respondent's rehabilitation and at Respondent's own expense
 - i Respondent shall successfully complete an anger management program by a *Division-approved provider within one-hundred twenty (120) days of the effective date of this Memorandum of Understanding and Order* Respondent shall attend all parts of the program and follow-up in a timely manner Respondent shall cooperate fully with the anger management program administrators or coordinators to ensure completion of the program Respondent shall notify the Division immediately after successfully completing the program and inform the Division that Respondent has successfully completed the anger management program Respondent agrees to cause program progress report(s) to be sent to the Division by the anger management program within 120 days of the effective date of this Order
 - ii If Respondent fails to submit the progress report(s) to the Division within the time stated above, the Division may take any action necessary pursuant to the Utah Administrative Procedures Act, Utah Code Annotated § 63-46b
 - iii Respondent shall successfully complete all treatment recommendations as outlined in the anger management program If Respondent has successfully completed an anger management program by a *Division-approved provider as part of Respondent's criminal probation*, Respondent shall provide the Division with a copy of documentation showing completion If Respondent has not successfully completed all the terms and conditions of Respondent's anger management program, at the time Respondent's administrative probationary period ends, the period of Respondent's administrative probation shall be extended until all the conditions of Respondent's anger management program have been successfully completed
 - iv In the interest of public safety, the Division may impose additional requirements above and beyond those recommended by the anger management program administrators or coordinators set forth above Respondent agrees to comply with these additional requirements
- d 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, 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, 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.

- e. Although the use and possession of alcohol is generally legal for persons age 21 and older, Respondent agrees to abstain from the personal use or possession of alcohol in any form. Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions. Respondent shall abstain from the use of any and all other mood altering substances or use of mood altering substances for any other purpose than the purpose for which the substance is intended.
- f. Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for alcohol and/or drug analysis upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct alcohol and/or drug testing. The designated company may also request such samples and Respondent shall comply with such requests. The Division shall determine when and where Respondent is to submit for testing. Respondent shall pay for the cost of alcohol and/or drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to alcohol and/or drug testing, including but not limited to, forms authorizing the company to send the drug test results to the Division. Any report from an alcohol and/or drug testing company that indicates that Respondent failed to provide a sample for drug analysis as directed will be considered a positive alcohol and/or drug test result for Respondent and will subject Respondent to additional sanctions. Any alcohol and/or drug test result or pattern of results that indicates that the sample provided by Respondent for alcohol and/or drug analysis is diluted to an extent that it cannot be analyzed, will be considered a positive alcohol and/or drug test result for Respondent and will subject Respondent to additional sanctions.
- g. Respondent shall attend a 12-step program, obtain a 12-step program sponsor, comply with the requirements of the 12-step program, and submit bi-monthly reports to the Division documenting Respondent's participation. The frequency of Respondent's participation in the 12-step program shall be monitored and approved by the Board. Unless otherwise directed, Respondent shall attend at least three times per month.

- h 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.
- i Respondent shall maintain a current license at all times during the period of this agreement.
- j Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.
- k 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.
- l Respondent shall notify any employer of Respondent's restricted status and the terms of this agreement. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board on a monthly basis for six months and bi-monthly thereafter which shall include acknowledgement by Respondent's employer that a copy of this Stipulation and Order has been read by the employer. The receipt of an unfavorable report from an employer may be considered to be a violation of the terms of this Stipulation and Order. If the Respondent is not employed as a massage therapist, Respondent shall submit the required employer report form to the Board on the date it is due and indicate on that form that Respondent is not currently employed in Respondent's licensed occupation or that Respondent is not currently working.
- m In the event Respondent does not practice as a massage therapist 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 eight (8) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.
- 6 Respondent agrees to abide by all applicable federal and state laws, regulations, rules or orders related to Respondent's licensed area of practice.
- 7 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 or judicial review of that partial denial of licensure

- 8 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
- 9 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
- 10 The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. Respondent shall complete all the terms and conditions contained in the Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions
- 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. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding and Order
- 12 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 
SALLY A STEWART
Bureau Manager

BY 
CAROLINE CLUFF HANLIN

DATE 09-20-2010

DATE 17/Sept 2010

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE 2 Sep 2010

ORDER

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of **CAROLINE CLUFF HANLIN**, is hereby approved by the Division of Occupational and Professional Licensing. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) 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 21st day of September, 2010

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

for W. Roy Walker, Acting Director
MARK B. STEINAGEL
Director