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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)
ROBERT NEAL ROUZIER) **STIPULATION AND ORDER**
TO PRACTICE AS A PHYSICIAN/SURGEON)
IN THE STATE OF UTAH) **CASE NO. DOPL 2010- 49**

ROBERT NEAL ROUZIER (“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 Physician Licensing Board ("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 R156-46b-12 through R156-46b-15.

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

6. 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.

7. Respondent admits the following facts are true:

- a. Respondent was first licensed to practice as physician/surgeon in the State of Utah on or about January 27, 2004. Respondent has never been licensed, and is not currently licensed to administer and prescribe controlled substances in the State of Utah.
- b. In 1980 Respondent was first licensed to practice medicine in the State of California. Respondent has been licensed in good standing in California without any disciplinary action or investigations since 1980.

- c. Based upon his experience in California, Respondent believed that his DEA registration was sufficient to legally permit him to prescribe controlled substances in other states. When Respondent applied for a license to practice a physician in the State of Utah in 2004 he incorrectly assumed that he was legally permitted to prescribe controlled substances in the State of Utah based upon his DEA registration alone. Based upon this mistaken assumption, Respondent did not seek a license to administer and prescribe controlled substances
- d. Between on or about October 7, 2004 and on or about November 24, 2009, Respondent issued 34 controlled substance prescriptions (about seven prescriptions per year) for testosterone, to patients who were Utah residents despite not possessing a license to administer and prescribe controlled substances in the State of Utah. Respondent did not prescribe any controlled substances other than testosterone in the State of Utah.
- e. Between on or about October 7, 2004 and on or about November 24, 2009, on multiple occasions, Respondent also issued prescriptions for testosterone to patients who resided outside the State of Utah, but were examined by Respondent in the State of Utah.

8. Respondent admits that Respondent's conduct described above in paragraphs 7(d) and 7(e) is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and unlawful conduct as defined in Utah Code Ann. § 58-37-6(7)(a). Respondent agrees by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), may be issued in this matter provided that Respondent shall pay an administrative penalty to the Division in the amount of \$1,000.00 (one-thousand dollars), pursuant to Utah Code Ann. § 58-67-402, within 90 days of the effective date of this Stipulation and Order.

9. Upon approval by the Director of the Division, this Stipulation 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 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 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.

10. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

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. 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 Stipulation 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 Stipulation and Order.

12. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. 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 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 Stipulation and Order, Respondent agrees that

the time period for completion of that term or condition shall be set by the Board. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

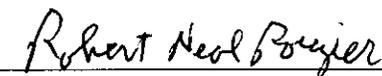
13. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14. 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: 
NOEL TAXIN
Bureau Manager

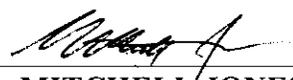
BY: 
ROBERT NEAL ROUZIER
Respondent

DATE: 2/17/10

DATE: _____

MARK L. SHURTLEFF
ATTORNEY GENERAL

*Received by DPH on 02/16/10
mf*

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 16 Feb 2010

ORDER

THE ABOVE STIPULATION, in the matter of **ROBERT NEAL ROUZIER**, 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 18 day of February, 2010.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator: Jared Memmott