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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 **LUDMIL KIRILOV MANOV** TO PRACTICE AS A PHYSICIAN/SURGEON AND TO ADMINISTER AND PRESCRIBE CONTROLLED SUBSTANCES IN THE STATE OF UTAH	))))))	**STIPULATION AND ORDER** CASE NO. DOPL 2012-218

LUDMIL KIRILOV MANOV ("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. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann § 63G4-102(4).

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.

a Respondent was first licensed to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah on or about September 12, 2001

b It was alleged that on or about August 5, 2011 Respondent made unwanted sexual advances to a female professional counselor, hereinafter referred to as "Jane Doe," in his office located in Lehi, Utah. Jane Doe states that Respondent grabbed Jane Doe, kissed her neck, and pushed his erect penis against her. Jane Doe states that she resisted Respondent's actions and told Respondent to stop, but Respondent continued to kiss Jane Doe and push his erect penis against her. Respondent states that he did not have an erection when he touched Jane Doe.

c Respondent and Jane Doe worked together at an educational institution in Utah for three years. Respondent rented office space from Jane Doe. Respondent and Jane Doe shared a number of clients and communicated professionally about those clients

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (k). 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(6) and Utah Code Ann § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

(1) Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah shall be revoked. The revocations shall be immediately stayed. Respondent's licenses shall be subject to a term of probation for a period of two years. The period of probation shall commence on the date the Division Director signs the attached Order. During the period of probation Respondent's licenses shall be subject to all of the following terms and conditions. If the Board or

Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division and Board.

a. Respondent shall meet with the Division and Board within thirty (30) days of the signing of the accompanying Order. Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Board to review this agreement For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division or Board, annually or at such other greater or lesser frequency as the Division or Board may direct

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. If Respondent has not successfully completed all the terms and conditions of Respondent's criminal probation 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 Respondent shall provide the Division and Board with a copy of Respondent's criminal probation agreement within 30 days of the effective date of this Stipulation and Order.

c. If deemed necessary and directed by the Division or Board at any time during the period of probation, Respondent shall successfully complete comprehensive evaluations including psychosexual, neuropsychological, and psychological evaluations from evaluators at the Pine Grove Behavioral Health and Addiction Services facility ("Pine Grove") in Hattiesburg, Mississippi. The evaluator(s) shall evaluate Respondent's ability to safely and competently practice Respondent's profession and any other areas the evaluator identifies as concerns The evaluator(s) must not be known by Respondent professionally or personally and Respondent will cause a report of the evaluation to be sent to the Division and Board along with any recommended treatment plan. Any evaluation will be completed within ninety (90) days of the directive by the Division or Board. Respondent shall execute the appropriate written release forms to authorize the evaluating practitioner to report to the Division and Board any report,

diagnosis, supporting information, testing and measures administered, interpretation of the tests and treatment recommendations Respondent shall be responsible for all expenses related to the evaluations Respondent shall comply with any treatment recommendations made by the evaluator(s), the Division, and/or the Board A therapist approved by the Division and Board shall conduct any treatment recommended by the evaluator. Respondent shall execute any necessary releases to allow the therapist to provide reports to the Division and Board regarding Respondent's progress Respondent's therapy should focus on the areas of concern identified by the evaluator(s). Respondent shall cause progress reports to be submitted to the Division and Board at the frequency set forth in subparagraph (f) below. Respondent shall be responsible for all treatment expenses.

d. Respondent shall execute any necessary releases to allow the Respondent's current therapist to provide reports to the Division and Board regarding Respondent's progress in therapy. Respondent shall cause progress reports to be submitted by Respondent's current therapist to the Division and Board at the frequency set forth in subparagraph (f) below

e. Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.

f. All reports and documentation required in this Stipulation and Order shall be submitted to the Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis

g. Respondent shall notify any employer or practice associate of Respondent's restricted status and the terms of this agreement. Respondent shall cause Respondent's employer to provide periodic

reports summarizing Respondent's compliance with the terms and conditions of this Stipulation and Order at a frequency described in subparagraph (f) above

h Respondent shall successfully complete the personal boundaries course provided by the Physician Assessment and Clinical Education ("PACE") Program at the University of San Diego within one year of the effective date of this Stipulation and Order. Respondent shall write and submit an essay to the Division and Board describing what Respondent has learned from his PACE course. The essay shall be submitted within 90 days of successfully completion of the PACE course. Respondent shall then discuss the essay and what changes Respondent will make in his practice with the Division and Board.

i If evaluations are deemed necessary and directed by the Division or Board, the Pine Grove evaluators shall make a recommendation as to whether Respondent shall work with a chaperone present. If the evaluators determine that Respondent should work with a chaperone, Respondent shall have a chaperone present at all times. The chaperone shall be pre-approved by the Division and Board. The chaperone shall complete a log, on a form pre-approved by the Division and Board and submit the forms to the Division and Board at frequency determined by the Division and Board

j. Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor during the term of Respondent's probation. Any changes in supervision may be made only with the consent of the Division and Board. Respondent shall deliver a copy of this Stipulation and Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division and Board in writing that a copy has been received, that the supervisor is willing to accept the responsibilities and obligations of acting as Respondent's supervisor, and submit a copy of the supervisor's curriculum vitae to the Division and Board.

k. Respondent shall meet weekly with Respondent's supervisor unless the Board or the Division determine a different frequency Supervision goals shall include concurrent management,

boundaries, clinical practice, and professional relationships. The supervisor shall address issues pertaining to appropriate relationships with staff and patients and any other issues the supervisor determines are pertinent to professional and ethical practice Respondent shall cause Respondent's supervisor to meet with the Division and Board, in person, at Respondent's first meeting with the Board, to discuss oversight issues the responsibilities of a supervising physician

l. If Respondent is self-employed in private practice, Respondent shall hire a supervisor, pre-approved by the Board and Division.

m. Respondent shall cause Respondent's supervisor to submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's probation and ethics. The reports shall be submitted monthly for the first six months and quarterly thereafter, 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.

n. If evaluations are deemed necessary and directed by the Division or Board, the Pine Grove evaluator shall make a recommendation as to whether Respondent shall attend ongoing therapy and support group sessions. If so recommended by the evaluator, Respondent shall attend all recommended therapy and support group sessions at a frequency determined by the Division and Board. Respondent shall sign any necessary release forms to allow the therapy and support group to provide any requested information by the Division and Board Respondent shall cause therapy and support group reports to be provided to the Division and Board at a frequency described in subparagraph (f) above

o In the event Respondent does not practice 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 sixteen (16) hours per week and no

more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession

p 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.

q 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.

r. 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, or should 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, 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, 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 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.

s Respondent shall maintain an active license at all times during the period of this agreement

t. Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address

u 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 and Order

v Respondent shall not treat any of Respondent's employees or family members

w Respondent shall not supervise any physician assistant unless pre-approved by the Division and Board.

x. Respondent shall pay a fine of $1,000.00 (one-thousand dollars) to the Division, pursuant to Utah Code Ann § 58-67-503, within 90 days of the effective date of this Stipulation and Order.

y. Respondent shall submit a practice plan to the Division and Board at Respondent's first meeting with the Board Respondent shall practice only according to a Division and Board approved practice plan.

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. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show

Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved

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 or Division 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

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.

13 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.

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

BY:
NOEL TAXIN
Bureau Manager

DATE: 5/10/12

RESPONDENT

BY:
LUDMIL KIRILOV MANOV
Respondent

DATE. 05-07-2012

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY.
L. MITCHELL JONES
Counsel for the Division

DATE 9 May 2012

DATE.

ORDER

THE ABOVE STIPULATION, in the matter of **LUDMIL KIRILOV MANOV,** 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(6) 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 1 day of May 2012.

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

MARK B. STEINAGEL
Director

Investigator Don Briggs