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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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IN THE MATTER OF THE LICENSES OF )  
**JOHN HENRY SCHNEIDER** ) **STIPULATION AND ORDER**  
TO PRACTICE AS A )  
PHYSICIAN/SURGEON AND TO ) CASE NO DOPL 2012- 25  
ADMINISTER AND PRESCRIBE )  
CONTROLLED SUBSTANCES )  
IN THE STATE OF UTAH )

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**JOHN HENRY SCHNEIDER** ("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 are true

- 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 June 15, 2004
- b On or about January 28, 2012 the Wyoming Board of Medicine ("Wyoming Board") issued an "Order of Temporary Suspension," a copy of which is incorporated by reference into this Stipulation and Order and attached as Exhibit A, suspending Respondent's license to practice as a physician in the State of Wyoming
- c On or about February 22, 2012 Respondent voluntarily entered into a "Consent Decree," a copy of which is incorporated by reference into this Stipulation and Order and attached as Exhibit B, with the Wyoming Board, wherein Respondent admitted to conduct that, if proven true, would constitute unprofessional and/or unlawful conduct in the State of Utah In Exhibit B the Wyoming Board issued an order whereby Respondent was prohibited from prescribing Fentanyl (Duragesic) transdermal patches to any patient
- d On or about March 20, 2012 the Wyoming Board issued an Order, a copy of which is incorporated by reference into this Stipulation and Order and attached as Exhibit C, lifting the suspension of Respondent's Wyoming physician license

8 Respondent admits that the findings of fact described above, if proven true, constitute unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (d) 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) 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

- (a) Respondent shall not administer or prescribe Fentanyl (Duragesic) transdermal patches, or any other type of time released patch for the treatment of pain, until the Division and Board so authorize

- (b) Respondent shall fully and timely comply with Exhibits A, B, and C
- (c) Respondent shall meet with the Board, either in-person or telephonically, as directed by the Division and Board, at a frequency directed by the Division and Board
- (d) Respondent shall promptly provide documentation to the Division and Board of all documents submitted to the Wyoming Board regarding Exhibits A, B, and C

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 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

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

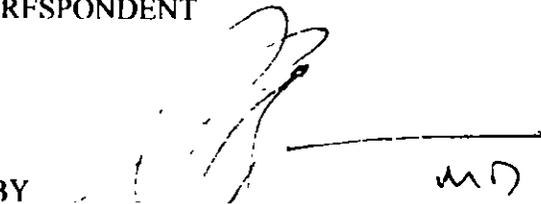
Order Respondent has no questions about any paragraph or provision contained in this

Stipulation and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

RESPONDENT

BY   
**NOEL TAXIN**  
Bureau Manager

BY   
**JOHN HENRY SCHNEIDER**  
Respondent

DATE 5/15/12

DATE 5/11/2012

MARK L SHURILEFF  
ATTORNEY GENERAL

BY   
**L. MITCHELL JONES**  
Counsel for the Division

DATE 15 May 12

**ORDER**

THE ABOVE STIPULATION, in the matter of **JOHN HENRY SCHNEIDER**, 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 16 day of May, 2012

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
**MARK B. STEINAGEL**  
Director

Investigator Irene Woodford