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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)
BRUCE DAVID LATHAM TO PRACTICE) **STIPULATION AND ORDER**
AS AN OSTEOPATHIC PHYSICIAN)
AND TO ADMINISTER AND PRESCRIBE) CASE NO DOPL 2012- *249*
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

BRUCE DAVID LATHAM ("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 Osteopathic 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 § 63G-4-102(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 and to administer and prescribe controlled substances in the State of Utah on or about November 2, 1993

- b On or about May 28, 2010 Respondent voluntarily entered into a Settlement Agreement, which is incorporated by reference into this Stipulation and Order and attached as Exhibit A, with the New Hampshire Board of Medicine (the "N H Settlement") In the N H Settlement, Respondent admitted to conduct, that is grounds for discipline in the State of Utah The N H Settlement constituted a "Reprimand" and imposed other terms and conditions on Respondent's New Hampshire license The New Hampshire settlement was based upon allegations about substandard quality of care provided to patients and Respondent's separation from Indian Stream Health Center
- c On or about February 6, 2012, the New Hampshire Board of Medicine issued an Order in Furtherance of Settlement Agreement ("First Order"), which is incorporated by reference into this Stipulation and Order and attached as Exhibit B
- d On or about March 9, 2012, the New Hampshire Board of Medicine issued a 2nd Order in Furtherance of Settlement Agreement ("Second Order") wherein the Board rejected the names of persons Respondent submitted as potential CME monitors, extended certain deadlines for Respondent to comply with provisions of the original agreement A copy of the Second Order is incorporated by reference into this Stipulation and Order and is attached as Exhibit C
- e On or about April 10, 2012, the New Hampshire Board of Medicine issued an Order Pursuant to Settlement Agreement, in the matter of Respondent, which had been approved by that Board on April 4, 2012 ("Third Order"), a copy of which is attached as Exhibit D In the Third Order, the Board accepted the names submitted by Respondent to act as CME monitor for Respondent and ordered Respondent to choose one of those names by April 23, 2012
- f On April 23, 2012, Respondent's counsel timely submitted by letter the name of a CME monitor for Dr Latham, which letter is attached as Exhibit E
- g As of the time of this Stipulation and Order, Respondent states that he is in compliance with the N H Settlement
- h As of the time of Respondent signs this Stipulation and Order, he does not intend to move back to Utah or to set up a medical practice in Utah

8 8 Respondent admits that Respondent's conduct that he admitted to in the New Hampshire settlement and the subsequent New Hampshire licensing action is 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's licenses shall be publicly reprimanded for the conduct admitted to in the New Hampshire settlement agreement and the subsequent New Hampshire licensing sanction listed in paragraph 7 above
- b Respondent shall cease and desist from the conduct that was the basis for the reprimand in the New Hampshire Settlement
- c Respondent shall continue to comply with all of the terms and conditions contained in Exhibits A, B, C, and D Respondent shall provide the Division and Board with copies of any documents that Respondent provides to the New Hampshire Board of Medicine However, if any documents are filed confidential under seal with the New Hampshire Board of Medicine, such documents will be provided to the Division and Board as legally permitted upon receiving permission from the New Hampshire Board
- d Respondent shall notify the Division of any noncompliance with the New Hampshire Settlement
- e Respondent shall meet with the Division and Board within thirty (30) days of the signing of the accompanying Order, or the next scheduled Board meeting, either in person or telephonically as directed by the Division and Board Respondent shall communicate with a Division staff person prior to that meeting with the Board to review this Stipulation and Order
- f If Respondent practices medicine in Utah in any manner during the time Respondent's New Hampshire supervision is in effect Respondent's Utah license shall be subject to probation, Respondent shall notify the Division at least thirty (30) days in advance of such move or the beginning of such practice, and shall comply with the following paragraphs
 - 1 Respondent shall meet with the Division and Board within thirty (30) days, or the next scheduled Board meeting, either in person or telephonically, of beginning practice in Utah Respondent shall communicate with a Division staff person prior to Respondent's first meeting with the Board to review this agreement For the remainder 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

- ii All reports and documentation required in this Stipulation and Order shall be submitted to the Division and 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 this Stipulation and Order. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of this Stipulation and Order, 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.
- iii 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 (ii) above.
- iv Respondent shall work under the supervision of a supervisor pre-approved by the Division and Board. Respondent shall meet weekly with Respondent's supervisor unless the Board or Division determine a different frequency. Supervision goals shall include concurrent management and professional relationships and practices. The supervisor shall address issues pertaining to medical and prescribing practices, record keeping, and any other issues the supervisor determines are pertinent to professional and ethical practice. The supervisor shall review 20% of Respondent's patient records. The supervisor, not Respondent, shall select which patient records shall be reviewed. Respondent shall cause Respondent's supervisor to meet with the Division and Board, either in person or telephonically, at Respondent's first meeting with the Board or have Respondent's supervisor speak with the Division's bureau manager, to discuss oversight issues, the responsibilities of a supervising physician. Respondent shall bring patient charts selected at random by Respondent's supervisor to the Division and Board whenever requested by the Division or Board.
- v If Respondent is self-employed in private practice, Respondent shall hire a supervisor, pre-approved by the Board and Division.
- vi 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

- vii If the Division and Board so direct in the future, Respondent shall successfully complete any psychiatric, neuropsychiatric, physical, or chemical dependency evaluation directed by the Division and Board at any time during the period of probation. If so directed, Respondent shall complete the evaluation within 90 days of the Division and Board's direction, and shall sign any release form necessary to ensure that any evaluation report and any other materials requested by the Division and Board, be immediately released to the Division and Board.
- viii 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 Respondent is employed in Respondent's profession.
- ix 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.
- x 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.

- x1. Respondent shall maintain an active license at all times during the period of this agreement
- x11 Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address
- x111 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
- x1v. As soon as Respondent's New Hampshire supervision is successfully terminated, Respondent's Utah probation shall also immediately terminate

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, which probation only comes into existence if Respondent practices medicine in Utah in any manner during the time Respondent's supervision is in effect 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

[Signatures to follow]

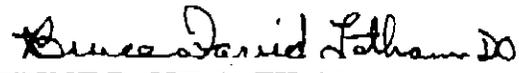
DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY.


NOEL TAXIN
Bureau Manager

BY:


BRUCE DAVID LATHAM
Respondent

DATE

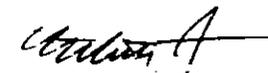
5/30/12

DATE:

5-25-12

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY.


L. MITCHELL JOYES
Counsel for the Division

DATE.

27 May 2012

ORDER

THE ABOVE STIPULATION, in the matter of **BRUCE DAVID LATHAM**, 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 30th day of May, 2012

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator Noel Jaxin