KARL G. PERRY (# 2570)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
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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	)	
CARL F. WURSTER TO PRACTICE	)	**STIPULATION AND ORDER**
AS A PHYSICIAN/SURGEON	)	
AND TO ADMINISTER AND PRESCRIBE	)	CASE NO DOPL-2013-104
CONTROLLED SUBSTANCES	)	
IN THE STATE OF UTAH	)	

CARL F. WURSTER ("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 by signing this document Respondent hereby knowingly and intelligently waives the right to all 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 and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G4-102(4)

6. Respondent acknowledges 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 may release other information to other persons and entities pursuant to the Utah Government Records and Management Act.

7. Respondent admits the following facts are true

a On or about August June 5, 1992, Respondent was first licensed to practice as a physician and to administer and prescribe controlled substances in the State of Utah. Previously, in August 1985, Respondent had returned to his home state of Idaho, secured his active Idaho license and commenced his residential practice in Boise, Idaho Respondent has maintained and renewed his active licenses in both Idaho and Utah continuously since 1985 and 1992 respectively Since obtaining his Utah medical license in 1992, Respondent has never resided, practiced medicine, or prescribed or administered controlled substances in the State of Utah

b. On or about March 1, 2007, Respondent voluntarily entered into a Stipulation and Order (Idaho "Original" Stipulation) in IBOM Case No. 05-042; on or about December 11, 2007, Respondent voluntarily agreed to and formally entered into a Stipulation and Order Amending Stipulation and Order (Idaho "Amended" Stipulation) in the same case The Original Idaho Stipulation imposed some surgical restrictions, but did not prevent

Respondent from engaging in the practice of medicine and surgery if certain conditions were met and the specified surgical restrictions were followed, the Idaho Amended Stipulation confirmed Respondent's successful completion of a CPEP evaluation, reduced his surgical restrictions, but limited his prospective working hours to 40-50 per week and added physician proctoring for the first six months of his return to practice The limitations, conditions and restrictions agreed to between Respondent and the Idaho Board of Medicine in the two Idaho stipulations, taken together, have not been activated because Respondent has not returned to the practice of medicine in a clinical setting following the effective date of the Idaho Amended Stipulation

c On or about January 30, 2008, Respondent voluntarily entered into a Stipulation and Order in DOPL Case No 2008-31 wherein Respondent's Utah licenses were restricted until the Respondent's Idaho licenses were no longer restricted or conditioned

d. Prior to entering into the Idaho Original stipulation, Respondent underwent a lumbar surgical operations in April 2006 and January 2007 for spinal stenosis and a subsequent disc herniation, respectively. In July 2010, Respondent required a third lumbar spinal surgery to address recurrent spinal stenosis at a higher spinal cord level and deteriorating neurological status.

e. When Respondent entered into the Utah Stipulation in January 2008, he then believed and still anticipated the possibility of returning to a surgical practice, and preserving his practice location options. His physical rehabilitation prospects have continued to diminish with time due to ongoing degenerative lumbar disc disease. His current treating physicians have expressed the expectation that Respondent is not now able to return to an active surgical practice. Accordingly, Respondent acknowledges that, while he has been unable to practice as a surgeon, he has also not practiced in a more limited non-surgical role since 2007, including practicing medicine and administering and prescribing controlled substances in the State of Utah

f. Respondent desires to surrender Respondent's license to practice as a physician and to administer and prescribe controlled substances in the State of Utah, along with all residual rights pertaining to said licenses. If at some time in the future, Respondent's health improves and his health allows him to practice medicine and surgery, then he is not precluded by this Stipulation and Order from applying for new licenses with the State of Utah Respondent must meet all licensure requirements as then set forth in the Utah Medical Practice Act to obtain licensure in the future. The

Division does not guarantee that any future application by Respondent for licensure will be granted.

8 Respondent's hereby surrenders his licenses to practice as a physician and to administer and prescribe controlled substances in the State of Utah If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

9 This Stipulation and Order is not a finding of unprofessional or unlawful conduct, nor is it a disciplinary action against Respondent or Respondent's licenses To the extent authorized by statute or rule concerning a former Division licensee, the Division may investigate any allegations of unprofessional and unlawful conduct, and may take further action against Respondent's licenses to practice as a physician in the State of Utah, including undertaking emergency proceedings

10. 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 prejudgement they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

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.

12. 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: 3/13/13

RESPONDENT

BY: _____
CARL F. WURSTER
Respondent

DATE: March 7, 2013

MARK L SHURTLEFF
ATTORNEY GENERAL

BY: _____
KARL G. PERRY
Assistant Attorney General

DATE: 03/13/2013

BY: _____
JOSEPH D. McCOLLUM JR.
Attorney for Respondent

DATE: March 7, 2013

ORDER

THE ABOVE STIPULATION, in the matter of Carl F. Wurster, 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 terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case

DATED this 14th day of March, 2013

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

Mark E. Steinagel
Director

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of March, 2013, a true and correct copy of the foregoing SURRENDER STIPULATION AND ORDER was served on the parties of record in this proceeding by mailing a copy thereof, properly addressed by first class mail with postage prepaid, to the following:

CARL F WURSTER
3300 N MOUNTAIN VIEW DR
BOISE ID 83704-4637

Hand delivered copy to:

Karl Perry, Assistant Attorney General

Kim Lesh
Administrative Secretary
Division of Occupational
and Professional
Licensing