

Ron R. Kunzler (USB 4360)
Assistant Attorney General
John E. Swallow (U.S B 5802)
Utah Attorney General
Commercial Enforcement Division
Heber M Wells Building
160 East 300 South, 5th Floor
Box 140872
Salt Lake City, UT 84114-0872
Telephone (801) 366-0310

**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)
THOMAS E. GARRISON M.D.)
TO PRACTICE AS A) **STIPULATION AND ORDER**
PHYSICIAN/SURGEON AND TO)
ADMINISTER AND PRESCRIBE) **CASE NO DOPL 2013-121**
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

THOMAS E. GARRISON M.D. (“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 The Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent’s signature below signifies that Respondent has consulted

with his attorney, Stephen W Owens, Epperson & Owens P C , and is satisfied with his attorney's advice in this matter

4. Respondent understands that Respondent is entitled to a hearing before the Utah State Licensing Board of Physicians ("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 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 R151-46b-12 through R151-46b-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 licenses to other persons and entities

7 Respondent admits the following facts

- a On or about March 1, 1984, Respondent obtained licensure with the Division as a Physician and Surgeon to practice medicine and to administer and prescribe controlled substances in the State of Utah.

- b On or about February 24, 2012, Respondent's California medical license was revoked for Respondent's role as Medical Director of four outpatient aesthetic and cosmetic medical treatment clinics organized and operated in California between 2004 and 2008 Respondent committed unprofessional conduct in his duties as the Medical Director of the four clinics by (a) failing to adequately supervise individuals practicing in those clinics; (b) aiding and abetting the unlicensed practice of medicine; and (c) aiding and abetting the unlicensed corporate practice of medicine. MBC Case No 02-2005-164550 Respondent has sought judicial review of the California licensure action
- c On or about March 6, 2012, Respondent's Washington medical license was summarily suspended based upon the California licensure action Case No M2012-118
- d Respondent currently resides and practices medicine in Arizona On or about August 2, 2012, Respondent's Arizona medical license was censured based upon the California licensure action. Case No MD-12-0149A
- e Respondent is the Chief Administrator but not the Medical Director of Sono Bello located in Murray, Utah.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Annotated § 58-1-501 (2)(d), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401 (2)(a). Therefore, Respondent agrees that an Order shall be entered in this matter as follows

- (1) Respondent's license to practice as a physician/surgeon in the State of Utah is restricted and Respondent's license to administer and prescribe controlled substances in the State of Utah is surrendered as follows
 - a Respondent's license to practice as a physician/surgeon shall be restricted and may be used for administrative matters only and shall not be used for medical diagnoses, patient care, treatment, or medical supervision of others in any capacity whatsoever from and after the date of this Stipulation and Order and until such restriction is removed
 - b Respondent's license to administer and prescribe controlled substances in the State of Utah shall be surrendered from and after the date of this Stipulation and Order.
 - c Respondent shall not request to have the restrictions on his license to practice as a physician/surgeon removed and shall not apply for licensure

to administer and prescribe controlled substances in the State of Utah for three years from the date this Stipulation and Order is approved unless the California licensure action is fully overturned and Respondent's California license is reinstated without restrictions. The Division does not guarantee that any future request by Respondent to have the restrictions removed on his license to practice as a physician/surgeon and apply for licensure to administer and prescribe controlled substances will be approved.

- d Respondent shall maintain as current his restricted license as a physician/surgeon in the State of Utah. If Respondent surrenders his restricted license as a physician/surgeon in the State of Utah he shall not apply for licensure for three years from the date this Stipulation and Order is approved unless the California licensure action is fully overturned and Respondent's license is reinstated without restrictions. The Division does not guarantee that any future application for licensure to practice as a physician/surgeon will be approved.

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this 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 Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 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.

11 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent must 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 complete all the terms and conditions contained in the Stipulation and Order in a timely manner. 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 and the Division. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

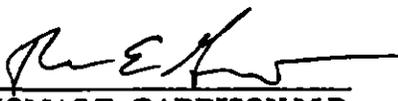
12. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

13. Respondent has read and understands each and every paragraph contained in this Stipulation and Order and has no questions about any paragraph or provision contained herein.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: 
NOEL TAXIN
Bureau Manager

BY: 
THOMAS E. GARRISON M.D.
Respondent

DATE: 3/20/13

DATE: 3/18/13

JOHN E. SWALLOW
ATTORNEY GENERAL

APPROVED AS TO FORM

BY: 
RON R. KUNZLER
Counsel for the Division

BY: 
STEPHEN W. OWENS
Epperson & Owens, P.C.
Counsel for Respondent

DATE: 3/20/13

DATE: 3/18/13

ORDER

THE ABOVE STIPULATION, in the matter of **THOMAS E. GARRISON M.D.** 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 26 day of March, 2013

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

