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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	)	
O. LAYTON ALLDREDGE	)	**STIPULATION AND ORDER**
TO PRACTICE AS A PHYSICIAN/SURGEON	)	
AND TO ADMINISTER AND PRESCRIBE	)	CASE NO. DOPL 2013-140
CONTROLLED SUBSTANCES	)	
IN THE STATE OF UTAH	)	

O. LAYTON ALLDREDGE ("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. § 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. On or about February 14, 1978 Respondent was first licensed to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah

   b In 2002 Respondent began treating a surgical assistant that Respondent frequently worked with, hereinafter referred to as "Jane Doe " Respondent properly treated and assessed Jane Doe between 2002 and 2005. Between January 2006 and January 2012 Respondent prescribed numerous controlled substance prescriptions to Jane Doe, including prescriptions for Lortab and Ambien Respondent often prescribed those controlled substances without reassessing Jane Doe and without obtaining information in the course of professional practice sufficient to justify the prescription.

   c Between 2006 and 2012 Respondent failed to maintain adequate medical records regarding his treatment and prescribing to Jane Doe

   d. Respondent engaged in a romantic relationship with Jane Doe while he treated and prescribed controlled substances to her Respondent immediately ceased treating Respondent when a Division investigator informed Respondent of the violations.

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), (b), and (m), § 58-67-803(1), Utah Administrative Code R156-37-602(1); and Principle 8 14 of the Code of Ethics of the American Medical Association 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 to practice as a physician/surgeon and to administer and prescribe controlled substances shall be publicly reprimanded for the conduct described above

(b) Respondent shall pay a fine to the Division in the amount of $1,000 00 (one-thousand dollars), pursuant to Utah Code Ann. § 58-67-503, within 90 days of the effective date of this Stipulation and Order

(c) Respondent shall successfully complete the PACE professional boundaries course Respondent completed the course on December 1, 2012.

(d) Respondent shall immediately cease and desist from the unprofessional conduct described in paragraph 7 above. Respondent shall abide by all federal, state, and local laws, as well as all ethical rules, governing his practice as a physician in the State of Utah

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

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 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 Respondent understands that failure to comply with this Order may subject Respondent to a civil penalty of up to $2,000 (two-thousand dollars) for each day the order is violated pursuant to Utah Code Ann § 58-1-503(1)

13. 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.

14 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.

15. 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. 4/11/13

RESPONDENT

BY _____
O. LAYTON ALLDREDGE
Respondent

DATE: 4/11/13

JOHN E. SWALLOW
ATTORNEY GENERAL

BY _____
L. MITCHELL JONES
Counsel for the Division

DATE 11 Apr 2013

ORDER

THE ABOVE STIPULATION, in the matter of **O. LAYTON ALLDREDGE,** 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 11th day of April, 2013

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

MARK B. STEINAGEL
Director

Investigator Allyson Pettley