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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)	
DONALD LEROY YAKEL, JR)	STIPULATION AND ORDER
TO PRACTICE AS A)	
PHYSICIAN/SURGEON)	CASE NO. DOPL 2013- 61
AND TO ADMINISTER AND PRESCRIBE)	
CONTROLLED SUBSTANCES)	
IN THE STATE OF UTAH)	

DONALD LEROY YAKEL, JR (“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 August 29, 1991.**
- b. On or about June 14, 2012 Respondent voluntarily entered into a Consent Order and Stipulation with the Illinois Division of Professional Regulation ("Illinois Board"), a copy of which is incorporated by reference into this Stipulation and Order and attached as Exhibit A, wherein Respondent's Illinois license was placed on probation subject to terms and conditions.**

8. Respondent admits that Respondent's conduct described above 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 subject to a term of probation for a period that shall continue until Respondent's Illinois probation is terminated. The period of probation shall commence on the date the Division Director signs the attached Order. During the period of probation Respondent's license shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division and Board.**
- (b) Respondent shall fully and timely comply all the terms and conditions of Exhibit A, whether Respondent works or resides in or outside the State of Utah. If Exhibit A is modified through agreement by Respondent and the State of Illinois, Respondent shall immediately provide a copy of any modified agreement to the Division and Board. Any modified agreement will be incorporated by reference into this Stipulation and Order.**

- (c) Respondent shall promptly provide copies to the Division and Board of all documents submitted to the Illinois Board regarding Exhibit A. Respondent shall promptly submit documentation to the Division and Board verifying that Respondent has complied with the terms and conditions of Exhibit A.
- (d) Respondent shall meet with the Board at the next scheduled Board meeting. Respondent shall meet telephonically with a Division staff person prior to Respondent's first meeting with the Board to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division and Board, annually or at such other greater or lesser frequency as the Division and Board may direct.
- (e) If Respondent works in the State of Utah, Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor, who is licensed and in good standing with the Division, during the term of Respondent's probation. Respondent's supervisor shall submit reports to the Division and Board on a form pre-approved by the Division and Board at a frequency set forth by the Division and Board. Any changes in supervision may be made only with the consent of the Division and Board. Respondent shall deliver a copy of this Stipulation and Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division and Board in writing that a copy has been received, that the supervisor is willing to accept the responsibilities and obligations of acting as Respondent's supervisor, and submit a copy of the supervisor's curriculum vitae to the Division and Board. The receipt of an unfavorable report may be considered to be a violation of probation.
- (f) If Respondent practices in the State of Utah, Respondent shall meet weekly, or at a frequency determined by the Division and Board, with Respondent's supervisor. Supervision goals shall include concurrent management, oversight of clinical services, sobriety, and professional relationships and practices. The supervisor shall review 20% of Respondent's current patient files. The supervisor shall choose which files shall be reviewed. The supervisor shall oversee clinical interventions. The supervisor shall address issues the supervisor determines are pertinent to professional and ethical practice. 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, to discuss oversight issues the responsibilities of a supervising physician.

- (g) If Respondent is self-employed in private practice, Respondent shall hire a supervisor, pre-approved by the Board and Division.
- (h) Respondent shall maintain active Utah licenses at all times.
- (i) 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.
- (j) 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, 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.
- (k) Respondent shall immediately notify the Division and Board in writing of any change in Respondent's residential or business address.

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. 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

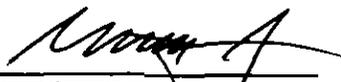
BY: 
NOEL TAXIN
Bureau Manager

BY: 
DONALD LEROY YAKEL, JR.
Respondent

DATE: 2/8/13

DATE: 1/30/13

**MARK L. SHURTLEFF
ATTORNEY GENERAL**

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 7 Feb 2013

ORDER

THE ABOVE STIPULATION, in the matter of **DONALD LEROY YAKEL, JR.**, 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 14th day of February, 2013.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

Investigator Ryan Warner