

JUDITH A. JENSEN (4603)
Assistant Attorney General
MARK L. SHURTLEFF (4666)
UTAH ATTORNEY GENERAL
Commercial Enforcement Division
Counsel for Agency
160 East 300 South, 5th Floor
P. O. Box 140872
Salt Lake City, Utah 84114-0872
Telephone: (801) 366-0310
Facsimile: (801) 366-0315
Email for Judith A. Jensen: jajensen@utah.gov

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

<p>IN THE MATTER OF THE LICENSES OF EDWARD JOSEPH EYRING, M.D., TO PRACTICE AS A PHYSICIAN AND SURGEON AND TO ADMINISTER AND PRESCRIBE CONTROLLED SUBSTANCES IN THE STATE OF UTAH</p>	<p>STIPULATION AND ORDER</p> <p>Case No. DOPL 2012-201</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------

STIPULATION

Edward Joseph Eyring, M.D., ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (the "Division") stipulate and agree as follows:

1. Respondent is represented in the above-entitled matter by attorney Michael J. Miller and signs this stipulation with the advice of counsel.

2. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
3. Respondent acknowledges that Respondent enters into this stipulation knowingly and voluntarily.
4. On November 27, 1995, Respondent obtained a license in the State of Utah to practice as a physician and surgeon, License No. 313827-1205, and, on August 23, 1996, Respondent obtained a license to administer and prescribe controlled substances, License No. 313827-8905. Respondent maintained his licenses as current until the date of their expiration, January 31, 2012. The licenses remain expired as of the date of this Stipulation and Order.
5. On June 24, 2010, Respondent and the Division entered into a Stipulation and Order in Case No. DOPL 2010-013. A copy of the Stipulation and Order is attached as Exhibit A and by this reference made a part hereof.
6. The 2010 Stipulation and Order required Respondent, among other terms and conditions, to complete course work in continuing medical education as specified in the 2010 Stipulation and Order and to submit documentation of having completed the course work to the Division within eighteen (18) months of the entry of the Order. The required course work included as follows:
 - a. the University of California, San Diego, P.A.C.E. Program courses on Medical Record Keeping and the Physician/Patient Communication Program;
 - b. the Robert Wood Johnson Medical School course titled Professional Renewal in Medicine through Ethics; and

- c. a continuing medical education course, pre-approved by the Division and specific to Respondent's surgical specialty.
7. Respondent attended and successfully completed in a timely manner the University of California, San Diego, P.A.C.E. Program courses on Medical Record Keeping and the Physician/Patient Communication.
8. Respondent failed to complete (a) the Robert Wood Johnson Medical School course on Professional Renewal in Medicine through Ethics and (b) a continuing medical education course, pre-approved by the Division, that is specific to Respondent's surgical specialty within eighteen (18) months of entry of the June 24, 2010, Stipulation and Order, as required by the terms of said Order. On May 23, 2011, the Division extended the deadline for completion of the required course work from December 24, 2011, until January 24, 2012. On December 20, 2011, counsel for Respondent requested that the deadline for completing the course work be further extended through the end of February 2012, and the Division denied that request.
9. Based on Respondent's failure to comply with the 2010 Stipulation and Order as provided in paragraph 8 herein and in accordance with the 2010 Stipulation and Order, the Division may file a Notice of Agency Action and Order to Show Cause seeking the revocation of Respondent's licenses or other sanctions.
10. Respondent understands that Respondent is entitled to a hearing before a 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, he hereby waives the

right to the issuance of a Notice of Agency Action and Order to Show Cause in this matter, 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 ADMIN. CODE R151-4-901 through R151-4-907. 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).

11. Respondent admits Respondent's conduct described in paragraph 8 constitutes unprofessional conduct as defined in UTAH CODE ANN. § 58-1-501(2)(a) and UTAH CODE ANN. § 58-67-502 and grounds for taking disciplinary action against Respondent's licensure pursuant to UTAH CODE ANN. § 58-1-401(2)(a).
12. Respondent desires to enter into this Stipulation and Order to avoid the necessity of proceeding with an evidentiary hearing. Respondent agrees that an order shall be entered prohibiting Respondent from (a) filing an application to renew or reinstate his licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah and (b) filing an application for new licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah until Respondent completes the terms and conditions provided below:

- a. Respondent shall complete successfully the Robert Wood Johnson Medical School course on Professional Renewal in Medicine through Ethics and shall submit documentation of his successful completion of said course to the Division and the Physicians Licensing Board (the "Board").
 - b. Respondent shall complete successfully a continuing medical education course, pre-approved by the Division and Board, that is specific to the specialty of colorectal surgery and shall submit documentation of his successful completion of said course to the Division and the Board. Respondent may not satisfy the requirement to complete said course unless, prior to attending the course, he submits to the Division and Board a written request to attend the course and the Division and Board approve the course. Respondent's written request must identify the title, date, and location of the course; the name and address of the course sponsor; and the course agenda detailing the topics to be addressed.
 - c. Respondent shall appear before the Division and Board at a regularly scheduled meeting of the Board and shall discuss his knowledge of information taught in said courses and how he will apply said information to his practice of medicine.
 - d. Upon completion of all terms and conditions as provided herein, Respondent may submit, in accordance with governing statutes and rules, an application to renew or reinstate his licenses to practice as a physician and surgeon and to administer and prescribe controlled substances or an application for new licenses to practice as a physician and surgeon and to administer and prescribe controlled substances.
13. 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 of the Division is not required to accept the terms of this Stipulation and Order, and, if the Director does not so accept, this stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or

prejudgment they might have with regard to the Director by virtue of his having reviewed this stipulation, and this waiver shall survive such nullification.

14. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this stipulation and the signing of the order by the Division Director. Respondent shall comply with all the terms and conditions of this stipulation as a condition to filing any application to renew or reinstate his licenses and as a condition to filing any application for new licensure to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah, as described in paragraph 12 herein.
15. If Respondent violates any term of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanctions, in the manner provided by law. Such sanctions may include revocation of Respondent's licenses or other appropriate sanctions.
16. Respondent acknowledges that the Division has had at all times subsequent to June 24, 2010, and, on entry of the order herein shall continue to have, the authority (a) to investigate any complaints concerning Respondent filed with the Division after June 24, 2010, or that may be filed with the Division in the future and (b) to initiate disciplinary action based on any of said complaints. For any petition filed for disciplinary action based on any of said complaints, Respondent is entitled to a hearing before the State of Utah's Physician Licensing Board (the "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, he

does not waive 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 any such petition.

17. Respondent acknowledges that, upon approval by the Director of the Division, the Order prohibiting Respondent from filing an application to renew or reinstate his licenses to practice as a physician and surgeon and to administer and prescribe controlled substances in the State of Utah and from filing an application for new licenses to practice as a physician and surgeon and to administer and prescribe controlled substances until Respondent completes the terms and conditions defined by the Stipulation and Order shall constitute a finding of disciplinary action.
18. 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.
19. 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 which 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.

Public statements include, but are not limited to, a statement to one or more Board members during a meeting of the Board. Any such action or public statement shall be considered a violation of this Stipulation and Order.

20. 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.

RESPONDENT

COUNSEL FOR RESPONDENT

BY: 
Edward Joseph Eyring


BY: 
Michael J. Miller

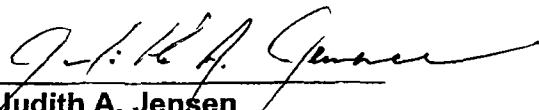
DATE: 4/23/12

DATE: 4/27/2012

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

MARK SHURTLEFF
UTAH ATTORNEY GENERAL

BY: 
Noel Taxin
Bureau Manager

BY: 
Judith A. Jensen
Assistant Attorney General

DATE: 5/1/12

DATE: May 1, 2012

ORDER

The Director of the Division of Occupational and Professional Licensing, having read the foregoing stipulation, being fully advised, and good cause appearing,

IT IS HEREBY ORDERED that the terms and conditions of the stipulation above, in the matter of the license of Edward Joseph Eyring, M.D., to practice as a physician and surgeon in the State of Utah, are approved by the Division of Occupational and Professional Licensing and constitute my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is a disciplinary action pursuant to Utah Admin. Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2)(a). The terms and conditions of the stipulation are hereby incorporated into this Order and constitute my final Order in this case.

DATED this 3 day of May, 2012.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director