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

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IN THE MATTER OF THE LICENSES OF )  
**SCOTT BRYAN HAIR** ) **STIPULATION AND ORDER**  
UTAH LICENSE #144299-8903 & 9921 )  
TO PRACTICE AS A DENTIST AND TO )  
ADMINISTER AND PRESCRIBE ) **CASE NO. DOPL 2017-232**  
CONTROLLED SUBSTANCES )  
IN THE STATE OF UTAH )

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**SCOTT BRYAN HAIR** (“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 Dentist and Dental Hygienist 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 knowingly and intelligently waives the right to a hearing, the right to call witnesses 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 R151-4-901 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).

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 as a dentist and to administer and prescribe controlled substances in the State of Utah on or about June 1, 1989.
- b. On or August 23, 2016, Respondent voluntarily entered into a Stipulation and Order in DOPL Case No. 2016-536, wherein Respondent admitted to unprofessional conduct, including using controlled substances from prescriptions written to family members; treating family members for opioid addiction without being trained to do so; a criminal conviction for impaired driving; and submitting false information on an application. Respondent's licenses were revoked, the revocations stayed, and Respondent's licenses were placed on probation for a period of five years.
- c. On or about December 22, 2016, Respondent's licenses were suspended after Respondent was found to be unfit to practice in an evaluation before by the Center for Dependence, Addiction, and Rehabilitation in Colorado.
- d. Respondent continued to practice dentistry in Utah between January 2017 and April 2017, despite his licenses being suspended.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (o), that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). 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) and (b). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

- (1) All the terms and conditions contained in the Stipulation and Order in DOPL Case No. 2016-536 shall remain in effect, with the following amendments.
  - a. **Extension of Probationary Period.** Respondent's five year term of probation shall begin anew on the effective date of this Stipulation and Order.
  - b. **Fine.** Pursuant to Utah Code Ann. § 58-1-502, Respondent shall be fined the amount of \$1,000.00 (one-thousand dollars). The fine shall be immediately stayed. If Respondent violates any term of this Stipulation and Order, the Division shall move to lift the stay.
  - c. **Suspension of Licenses.** Respondent's licenses shall remain suspended until Respondent successfully completes the requirements set forth in paragraph 8(3)(b) of the Stipulation and Order in DOPL Case No. 2016-536. Respondent must obtain an evaluation from a Division-approved evaluator stating that Respondent can safely practice as a dentist, as described in that paragraph, and comply with any recommendations in the evaluation, before the suspension of Respondent's licenses shall be lifted.

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, and any hearings or prehearing conferences currently scheduled are hereby vacated. 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 prejudice 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 Division or 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.

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 shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.

16. 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:   
LARRY MARX

Bureau Manager

DATE: 5/23/2017

SEAN D. REYES  
UTAH ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

DATE: 22 May 17

BY:   
SCOTT BRYAN HAIR

DATE: May 17, 2017

**ORDER**

THE ABOVE STIPULATION, in the matter of **SCOTT BRYAN HAIR**, 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(7) 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 25 day of May, 2017.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
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MARK B. STEINAGEL  
Director

Investigator: Mark D. Baca