

VALERIE M. WILDE (U.S.B. 7345)
Assistant Attorney General
SEAN D. REYES (U.S.B. 7969)
Utah Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 140872
Salt Lake City, UT 84114-6741
Telephone: (801) 530-6412

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

IN THE MATTER OF THE LICENSE OF)	SURRENDER
BRUCE F. WHATCOTT)	STIPULATION AND ORDER
UTAH LICENSE #150304-1701)	
TO PRACTICE AS A PHARMACIST)	
IN THE STATE OF UTAH)	CASE NO. DOPL 2021- 224

BRUCE F. WHATCOTT (“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 Board of Pharmacy ("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 R151-4-901 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 acknowledges 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 are true:

- (a) On or about August 3, 1987, Respondent was first licensed to practice as a pharmacist in the State of Utah.
- (b) On or about June 30, 2021, Respondent was employed as a pharmacist when a reluctant patient presented for a Covid vaccination. Patient's employment included travel and Patient's employer was requesting patient

to get vaccinated. Respondent's employer inventories the Johnson and Johnson vaccine so the one dose option worked for the patient's traveling.

- (c) Respondent allowed the pharmacy technician to counsel patient on alleged and/or unconfirmed adverse reactions of receiving the Covid vaccination. Technician counseled the patient that the vaccination could "cause infertility." Respondent did not correct this information.
- (d) Respondent then spoke with patient in a counsel room (off camera). Afterwards, Respondent is on camera leaving the room and entering into the pharmacy. Respondent took out a Johnson and Johnson Covid vaccine vial from the fridge to obtain the manufacturer's lot number. Respondent prepared a Covid Vaccine Card adding the lot number. Respondent did not prepare a syringe or administer the vaccine. Respondent gave the patient the filled out Covid Vaccine card.
- (e) Respondent admitted to his employer that he completed the Covid Vaccine card and gave it to the patient. Respondent defended his actions by stating he was giving a reluctant patient "a choice." Respondent also admitted to having given out completed Covid Vaccine cards on other occasions; admitting to a "handful of others" "maybe five" when he felt the patient was apprehensive to get the vaccine.
- (f) Respondent's actions are harmful to the patient and others. By fraudulently filling out and giving the vaccine card, Respondent's action misrepresented the patient as vaccinated, and put the patient and others around the patient at risk of contracting COVID-19.
- (g) The Covid Vaccine cards do contain the CDC seal making it a government form. Respondent filled out and gave the official cards knowing no vaccine was administered. Respondent unauthorized use of an official government agency's seal (the Centers for Disease Control and Prevention (CDC)) is a violation of Utah law and may be punishable under Title 18 United States Code, Section 1017.
- (h) Respondent desires to surrender Respondent's license to practice as a pharmacist in the State of Utah, along with all residual rights pertaining to said license.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), (h) and (p)(i) and Utah Code Ann. § 58-17b-502(1)(h); and unlawful conduct as defined in 18 U.S. Code §1017 and that said conduct

justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's license to practice as a pharmacist in the State of Utah as well as all residual rights pertaining to said licenses. Respondent shall also pay a fine of ^{2,000.00 TWO}~~\$8,000.00~~ (eight thousand dollars) to the Division, pursuant to Utah Code Ann. §58-31b-503 and Utah Administrative Code R156-31b-402, within 30 days of the effective date of this Stipulation and Order. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The Division does not guarantee that any future application by Respondent to operate as a pharmacist will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a pharmacist in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

9. This Stipulation and Order, upon approval by the Director of the Division, 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 Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of the Director 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. 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.

11. 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.

12. 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: *Jennifer Falkenrath* for Jennifer Falkenrath
Bureau manager
JENNIFER FALKENRATH
Bureau Manager

BY: *Bruce Whatcott*
BRUCE F. WHATCOTT

DATE: 07-12-2021

DATE: _____

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: *Valerie M. Wilde* DIVISION DIRECTOR
FOR VALERIE M. WILDE
Counsel for the Division


DATE: JULY 12, 2021

ORDER

THE ABOVE STIPULATION, in the matter of **BRUCE F. WHATCOTT**, 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)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this _____ day of 07/12/2021, 2021.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


Mark Steinagel (Jul 12, 2021 13:54 MDT)

MARK B. STEINAGEL
Director

Investigator: Jennifer Healey