

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

IN THE MATTER OF THE LICENSE OF	:	FINDINGS OF FACT,
STEVEN WAYNE POWELL UTAH	:	CONCLUSIONS OF LAW,
LICENSES 11562117-1235 & 8905	:	RECOMMENDATION, AND
TO PRACTICE AS A PHYSICIAN AND	:	DEFAULT ORDER
SURGEON AND TO PRESCRIBE AND	:	
ADMINISTER CONTROLLED SUBSTANCES	:	Case No. DOPL-2023-378

FINDINGS OF FACT

1. Respondent was initially licensed in Utah as a physician and surgeon and to prescribe and administer controlled substances through the Interstate Medical Licensure Compact on December 4, 2019.
2. Respondent was continuously licensed during the timeframes addressed herein.
3. Respondent has engaged in conduct that resulted in conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere which was held in abeyance pending successful completion of probation, with respect to a crime as follows:
 - a. On or about April 26, 2023, the Respondent entered a guilty plea in a United States Federal Court Case referred to as United States v. Powell in and for the United States District Court, for the District of New Hampshire (USDC-CDC), Case No. 1:23-cr-00036 CJC.
 - b. The Respondent pled guilty and was convicted of one count of health care fraud for accepting illicit payments in exchange for electronically signing orders for durable medical equipment that were not medically necessary and not legitimately prescribed resulting in \$1.9 million in false and fraudulent claims.

- c. On or about August 28, 2023, the Louisiana State Board of Medical Examiners issued a Stipulation of Voluntary Surrender of the Respondent's Louisiana Medical License.
- d. On or about October 18, 2023, the West Virginia Board of Medicine automatically placed the Respondent's West Virginia License on a suspended status.

4. On October 26, 2023 the Division filed a Notice of Agency Action ("Notice") alleging that Respondent engaged in the conduct described resulting in the criminal court action described.

5. The Notice further alleges that the crime or crimes described are crimes that, when considered with the functions and duties of the profession for which the license was issued bears a reasonable relationship to the licensee's ability to practice their occupation or profession safely or competently.

6. Finally, the Notice alleges that by so doing Respondent engaged in unprofessional conduct in violation of Utah Code § 58-1-501(2)(c). The Notice seeks appropriate disciplinary action against Respondent pursuant to Utah Code § 58-1-401(2).

7. This matter is classified as an informal proceeding pursuant to Utah Administrative Code § R156-46b-202(2)(c).

8. A written response was required in this matter pursuant to Utah Administrative Code § R156-46b-402 and the Notice filed herein. Respondent did not file a written response to the Notice as required.

9. This Notice was emailed and mailed to the Respondent's email and address of record; the mailed Order was returned as undelivered. The Respondent has failed to provide updated mailing address to the Division in accordance with Utah Code § 58-1-301.7.

CONCLUSIONS OF LAW

12. Respondent's failure to submit a written response constitutes a basis for entry of default against Respondent and for an order to be issued solely based upon the evidence of record in the Division's file.

13. A review of relevant information supports a conclusion that Respondent engaged in *the conduct described resulting in the action described with respect to one or more crimes that, when considered with the functions and duties of the profession for which the license was issued bears a reasonable relationship to the licensee's ability to safely or competently practice their occupation or profession, constituting unprofessional conduct in violation of Utah Code § 58-1-501(2)(c).*

14. The following aggravating circumstances apply.

- a. The Respondent engaged in a fraudulent practice of ordering durable medical equipment creating 1.9 million dollars in fraudulent claims.

14. Respondent's conduct described resulting in the actions described constitutes a sufficient basis for disciplinary action against Respondent in accordance with Utah Code § 58-1-401(2).

DEFAULT ORDER

The Respondent's default is entered herein. After careful consideration of this matter, the Findings of Fact and Conclusions of Law herein are hereby adopted by the Director. The Director concurs with the order recommended by the Bureau Manager.

WHEREFORE, IT IS ORDERED Respondent's license to practice as a physician and surgeon and to prescribe and administer controlled substances in this state shall be revoked and a fine of \$1,000 will be assessed.

Dated this *18* day of *December*, 2023


MARK B. STEINAGEL
Director

NOTICE

Pursuant to U.C.A. §63G-4-209, a defaulted party may seek to have the agency set aside the default order, and any order in the adjudicative proceeding issued subsequent to the default order, by following the procedures outlined in the Utah Rules of Civil Procedure. A motion to set aside a default and any subsequent order shall be made to the presiding officer. A defaulted party may seek agency review under U.C.A. §63G-4-301, or reconsideration under U.C.A. §63G-4-302, only on the decision of the presiding officer on the motion to set aside the default.