

DEPARTMENT OF BUSINESS REGULATION
Heber M. Wells Building
100 East 300 South - P. O. Box 45802
Salt Lake City, Utah 84145
Telephone: (801) 530-6628

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
STATE OF UTAH

IN THE MATTER OF THE LICENSES OF :
DAVID LAMBERT EGLI :
TO PRACTICE MEDICINE AND :
TO ADMINISTER AND PRESCRIBE :
CONTROLLED SUBSTANCES :
IN THE STATE OF UTAH :

CASE NO. OPL-85-69
A M E N D E D O R D E R

The Utah Physicians Licensing Board recommends that the Order in Case No. 85-69 be amended so that a Controlled Substance Schedule 4-5 license be granted to Dr. Egli. All other conditions of the probation are to remain the same and in effect.

The Recommended Amended Order is hereby adopted by the Director of the Division of Occupational and Professional Licensing of the State of Utah.

Dated this 20th day of February, 1987.



DAVID E. ROBINSON, DIRECTOR

S E A L

SAM N. PAPPAS (3745)
WILLIAM R. RUSSELL (2833)
Attorneys for Petitioner
50 West Broadway, #1000
Salt Lake City, UT 84101
Telephone: (801) 355-4600

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
PHYSICIANS LICENSING BOARD
DEPARTMENT OF BUSINESS REGULATION, STATE OF UTAH

In the Matter of: : MEMORANDUM IN SUPPORT OF
DAVID L. EGLI, M.D. : PETITION FOR CHANGE IN
Petitioner. : PROBATION CONDITIONS
Case No. OPL-85-69

Petitioner David L. Egli, M.D., by and through counsel, hereby respectfully submits this Memorandum in support of his petition for a change in the conditions of his probation.

ATTACHMENTS

Attached in support of this Memorandum are letters from the following individuals: (1) David L. Egli, M.D.; (2) Susan N. Egli; (3) Dr. Robert H. Burgoyne, M.D.; (4) Dr. A. Mason Redd, M.D.; (5) Dr. E. Reed Heywood, M.D.

FACTUAL SUMMARY

On February 3, 1986, Dr. David L. Egli entered into a stipulation with the Department of Business Regulation whereby the doctor's license to practice medicine was suspended for a period of ninety (90) days. Dr. Egli was placed on probation for a period of five (5) years, and his license to prescribe controlled substances was revoked. Dr. Egli agreed to this disciplinary action as a result of

his conduct in prescribing Demerol, a Schedule II controlled substance, to his close personal friend, Glen Taylor. Taylor had begun using Demerol under the supervision of another physician for a painful bodily injury. At no time was Glen Taylor under the professional care of Dr. David L. Egli. Criminal charges were filed against Dr. Egli by the Salt Lake County Attorney's Office relative to prescriptions for Demerol ultimately administered to Glen Taylor. On June 11, 1986, all criminal charges were dismissed after a preliminary hearing in the Circuit Court. No further charges of any type against Dr. Egli are anticipated to arise out of this or any circumstance.

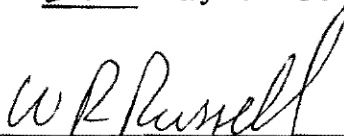
Prior to these events, the families of Dr. Egli and Glen Taylor became very close personally after Taylor was placed in the doctor's home by the LDS Church. From all indications, Taylor has a charismatic and manipulative personality which is effective with a surprising number of otherwise intelligent and stable individuals. As a result of Taylor's manipulation, Dr. Egli incurred several thousand dollars of obligations, mostly for "toys" for Glen Taylor. Dr. Egli is now saddled with a large number of these obligations.

CONCLUSION

Dr. Egli has been candid throughout these and other proceedings concerning the nature of his wrongful acts, which he readily admits. Dr. Egli has been punished substantially, and welcomes close scrutiny throughout the period of his probation. Because of the personal, financial, and professional hardships he has suffered throughout this ordeal, the doctor will be working to put his life back together for several years. This cannot be done without the ability to

prescribe a limited number of controlled substances in the exercise of his independent professional judgment. Dr. Egli has complied with all the regulations and restrictions of this Board, and will continue to do so. At this juncture, if the doctor is not allowed a limited ability to prescribe under Schedule's III and IV, he will be unable to pay his debts or support his family.

Respectfully submitted this 20th day of October, 1986.



WILLIAM R. RUSSELL
Attorney for Petitioner

DAVID L. WILKINSON #3472
Attorney General
STEPHEN G. SCHWENDIMAN #2891
Chief, Assistant Attorney General
J. STEPHEN MIKITA #3900
Assistant Attorney General
Tax & Business Regulation Div.
130 State Capitol Building
Salt Lake City, Utah 84114
Telephone: (801) 533-5319

BEFORE THE DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING OF THE DEPARTMENT
OF BUSINESS REGULATION OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF :
DAVID LAMBERT EGLI TO PRACTICE : ORDER
MEDICINE AND TO ADMINISTER AND :
PRESCRIBE CONTROLLED SUBSTANCES : Case No. OPL-85-69
IN THE STATE OF UTAH :

Based upon the foregoing Stipulation and for good cause
appearing:

WHEREFORE, IT IS HEREBY ORDERED that, effective January
28, 1986, Dr. David Lambert Egli's license to administer and pre-
scribe controlled substances shall be permanently revoked;

IT IS FURTHER ORDERED that, effective January 28, 1986,
Dr. David Lambert Egli's license to practice medicine shall be
suspended for 90 days;

IT IS FURTHER ORDERED that following the 90 day suspen-
sion Dr. Egli's license to practice medicine shall be placed on
probation for a period of five (5) years;

IT IS FURTHER ORDERED that the terms of that probation shall be as follows:

- a) Dr. Egli shall be reprimanded by the Physicians Licensing Board for not exercising prudent judgment in either practicing medicine or in administering and prescribing controlled substances in relation to his psychiatric practice, with respect to the allegations contained in the Division's Petition,
- b) Dr. Egli shall undergo a full physical examination before his initial meeting with the Physicians Licensing Board and shall provide to the Board the report of that physical examination by the licensed physician who conducted it prior to that hearing,
- c) Dr. Egli shall appear before the Physicians Licensing Board every six (6) months during his five (5) year probation. Dr. Egli shall receive reasonable notice of the meeting times by the Division,
- d) Dr. Egli shall devote his entire continuing medical education credits to Pharmacology and Mental Illness during his five (5) year probation;

IT IS FURTHER ORDERED that should Dr. Egli, during his five (5) year probation, decide to leave the area of psychiatry in order to be retrained in another specialty of medicine then the Division shall consider the status of both licenses following Dr. Egli's retraining;

IT IS FURTHER ORDERED that if Dr. Egli violates any of the terms of this Order or probation, or any of the statutes, rules and regulations governing the practice of medicine in the state of Utah, then a hearing shall be held in order to determine why his license should not be revoked.

DATED this 3^d day of Feb, 1986.

Robert O. Bowen

ROBERT O. BOWEN, Director
Division of Occupational
and Professional Licensing

PHYSICIANS LICENSING BOARD

Wm. J. ... MS
M. Kohler
...
Wm. ...
John D. Kelly

DAVID L. WILKINSON #3472
Attorney General
STEPHEN G. SCHWENDIMAN #2891
Chief, Assistant Attorney General
J. STEPHEN MIKITA #3900
Assistant Attorney General
Tax & Business Regulation Div.
130 State Capitol Building
Salt Lake City, Utah 84114
Telephone: (801) 533-5319

BEFORE THE DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING OF THE DEPARTMENT
OF BUSINESS REGULATION OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF :
DAVID LAMBERT EGLI TO PRACTICE : STIPULATION
MEDICINE AND TO ADMINISTER AND :
PRESCRIBE CONTROLLED SUBSTANCES : Case No. OPL-85-69
IN THE STATE OF UTAH :

COME NOW the Division of Occupational and Professional
Licensing of the Department of Business Regulation of the State
of Utah ("the Division"), by and through counsel, J. Stephen
Mikita, Assistant Attorney General, and David Lambert Egli ("Dr.
Egli") a licensee of the Division, and hereby stipulate and agree
as follows:

STIPULATION

1. Dr. Egli is duly licensed by the State of Utah to
practice medicine and to administer and prescribe controlled sub-
stances in the state of Utah.

2. A Complaint has been brought and properly filed pursuant to Utah Code Ann. § 58-12-35 (1953), as amended and § 58-37-8 (2)(a)(vi), (4)(a)(ii), (4)(a)(iii), and (4)(a)(iv).

3. The acts and practices engaged in by Dr. Egli, indicated herein, are acts and practices for which licenses to practice medicine and to administer and prescribe controlled substances are required.

4. Dr. Egli admits the jurisdiction of the Division over him and over the subject matter of this action, and specifically waives any requirement that a formal hearing be scheduled pursuant to Utah Code Ann. § 58-12-35.1 (1953), as amended.

5. Dr. Egli acknowledges that he enters into this Stipulation voluntarily and that no promise or threat whatsoever has been made by the Division or any member, officer, agent or representative of the Division to induce him to enter into this Stipulation.

6. With respect to the allegations contained in the Division's Petition, Dr. Egli admits that he did not exercise prudent judgment in either practicing medicine or in administering and prescribing controlled substances in relation to his psychiatric practice.

7. The Division and Dr. Egli agree that upon approval by the Director of the Division of Occupational and Professional Licensing ("Director"), this Stipulation shall be a final compromise and settlement of all counts in the Petition filed by the

Division in this matter to date. In the event that the Director fails to approve this Stipulation, it will be of no further force and effect.

8. The Division and Dr. Egli agree that nothing as agreed upon in this Stipulation shall in any way restrict the Division from taking further action against Dr. Egli's license to practice should he be convicted of any criminal violations in the future.

9. The Division and Dr. Egli agree that this Stipulation shall be made part of the attached Final Order.

10. The Division and Dr. Egli further stipulate that Dr. Egli's license to practice medicine shall be suspended for a period of 90 days, effective January 28, 1986.

11. The Division and Dr. Egli stipulate that Dr. Egli's license to administer and prescribe controlled substances shall be permanently revoked, effective January 28, 1986.

12. The Division and Dr. Egli further stipulate that Dr. Egli's license to practice medicine shall be placed on probation for a period of five (5) years, effective immediately following the 90 day suspension.

13. The Division and Dr. Egli further stipulate that the terms of the five (5) year probation on his license to practice medicine shall be as follows:

- a) Dr. Egli shall be reprimanded by the Physicians Licensing Board for not exercising prudent judgment in either practicing medicine or in administering


and prescribing controlled substances in relation to his psychiatric practice, with respect to the allegations contained in the Division's Petition.

- b) Dr. Egli shall undergo a full physical examination before his initial meeting with the Physicians Licensing Board and shall provide to the Board the report of that physical examination by the licensed physician who conducted it prior to that hearing.
- c) Dr. Egli shall appear before the Physicians Licensing Board every six (6) months during his five (5) year probation.. Dr. Egli shall receive reasonable notice of the meeting times by the Division.
- d) Dr. Egli shall devote his entire continuing medical education credits to Pharmacology and Mental Illness during his five (5) year probation.

14. The Division and Dr. Egli further stipulate that should Dr. Egli, during his five (5) year probation decide to leave the area of psychiatry in order to be retrained in another specialty of medicine then the Division shall consider the status of both licenses following Dr. Egli's retraining.

15. The Division and Dr. Egli stipulate that if Dr. Egli violates any of the terms of the Stipulation or probation, or any of the statutes, rules and regulations governing the practice of medicine in the state of Utah, then a hearing shall be held in order to determine why his license to practice medicine should not be revoked.

DATED this 3rd day of February, 1986.


STEPHEN MIKITA
Assistant Attorney General
Attorney for the Division of
Occupational and Professional
Licensing


DAVID LAMBERT EGLI, M.D.

DEPARTMENT OF BUSINESS REGULATION
Heber M. Wells Building
160 East 300 South, P. O. Box 45802
Salt Lake City, Utah 84145
Telephone: (801) 530-6626

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF BUSINESS REGULATION
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF :
DAVID LAMBERT EGLI :
TO PRACTICE MEDICINE AND TO : A M E N D E D P E T I T I O N
PRESCRIBE AND ADMINISTER :
CONTROLLED SUBSTANCES : CASE NO. OPL-85-69
IN THE STATE OF UTAH :

PRELIMINARY STATEMENT

These causes of action were investigated by the Utah Division of Occupational & Professional Licensing (the Division) upon complaints that DAVID LAMBERT EGLI, a licensee of the Division, has engaged in acts and practices which constitute violations of the Medical Practice Act and the Controlled Substance Act, Utah Code Ann., Sections 58-12 and 58-37.

PARTIES

1. The Division is a Division of the Department of Business Regulation of the State of Utah, established by virtue of Section 58-1-3 of the Utah Code.
2. DAVID LAMBERT EGLI is a licensee of the Division.

STATEMENT OF FACTS

3. a. On or about 1984 through September 1985 EGLI prescribed quantities of meperidine in excess of what would have been necessary to treat the conditions and maladies of Glen Taylor, a person known to EGLI to be an addict.

b. On or about July 11, 1984 through July 22, 1985 EGLI prescribed Biphedamine 20 mg. to Carol Thompson for appetite suppression. The use of Biphedamine is not medically recognized as appropriate for use as an appetite suppressant for more than a few weeks.

c. On or about September 26, 1984, November 19, 1984, and December 12, 1984 EGLI issued prescriptions for meperidine using the patient name Carol Thompson, when he intended the drugs to be used by Glen Taylor.

d. On or about December 12, 1984 EGLI issued a prescription for one 20 ml vial of meperidine using the patient name Cindy Campbell when he intended all or part of the drugs to be used by Glen Taylor.

e. On or about December 17, 1984 EGLI issued three prescriptions for meperidine using the patient name Marcia Johnson, and utilized a variety of pharmacies in order to obtain the drugs which he intended to be used by Glen Taylor.

f. On or about January 28, 1985, June 17, 1985, July 22, 1985 and August 14, 1985, EGLI issued prescriptions for meperidine using the patient name, Hazel Mitchell, when he intended all or part of the drugs to be used by Glen Taylor.

g. On or about February 1, 1985 EGLI issued a prescription for two tubex meperidine using the patient name, Marcia Johnson when he intended all or part of the drugs to be used by Glen Taylor.

h. On or about March 11, 1985 EGLI issued a prescription for one 20 ml vial of meperidine using the patient name, Greg Lohmeyer, when he intended the drug to be used by Glen Taylor.

i. On or about March 14, 1985 and July 18, 1985 EGLI issued prescriptions for meperidine using the patient name Quida Auger, when he intended the drugs to be used by Glen Taylor.

j. On or about March 25, 1985 and March 26, 1985 EGLI issued prescriptions for meperidine using the patient name of Kathy Dale, when he intended that all or part of the drugs were to be used by Glen Taylor.

k. On or about April 14, 1985, April 28, 1985, May 4, 1985 and May 21, 1985 EGLI issued prescriptions meperidine using the patient name of Tami Beagley, when he intended that all or part of the drugs were to be used by Glen Taylor.

l. On or about April 16, 1985 EGLI issued a prescription for one 30 ml vial of meperidine using a fictitious name, Karen Wright, and address.

m. On or about May 29, 1985 and June 9, 1985 EGLI issued a prescription for meperidine 100 mg. using a fictitious name, Glen Richardson, and address.

n. On or about May 29, 1985, June 12, 1985 and June 20, 1985 EGLI issued prescriptions for meperidine using the patient name, Sherry Leonard, when he intended all or part of the drugs to be used by Glen Taylor.

o. On or about July 30, 1985 EGLI was advised by the Utah State Medical Association after a peer review that his treatment of Glen Taylor with controlled substances was improper. Thereafter, EGLI continued to prescribe controlled substances, meperidine, to Taylor.

p. On or about August 12, 1985 EGLI issued a prescription for two ampules meperidine using the patient name Robyn Selin, when he intended the drug to be used by Glen Taylor.

q. On or about August 15, 1985 EGLI issued presigned and post dated prescriptions to Glen Taylor that were to be filled while EGLI was out of the country.

r. On or about 1984 through 1985 EGLI allowed Glen Taylor to engage in the unlicensed practice of medicine while in his employ.

COUNT I

4. The Division realleges and incorporates by reference the allegations set forth in paragraphs 1 through 3 above as if fully set out herein.

5. Utah Code Ann. 58-12-35 (1953 as amended)) provides that the Division may revoke a license if the holder is guilty of unprofessional conduct.

6. Utah Code Ann. 58-12-36 (1953 as amended) defines unprofessional conduct to include:

(2) gross immorality or conduct unbecoming a person licensed to practice medicine or detrimental to the best interests of the public;

(9) aiding or abetting the practice of medicine by one not licensed or by one whose license is suspended; or practicing medicine as a partner, agent, or employee of, or in joint venture with, any person who does not hold a license to practice medicine within this state;

(11) knowingly, prescribing, selling, giving away or administering, directly or indirectly, or offering to prescribe, sell, furnish, give away or administer any of the drugs or compounds mentioned in the previous section to a habitue or addict unless permitted by law;

(15) any conduct or practice, contrary to the recognized standards of ethics of the medical profession, or any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or the public, or any conduct, practice or condition which does or might impair the ability safely and skillfully to practice medicine.

7. By engaging in the acts and practices contained in paragraph number 3 above, EGLI has violated the provisions of 58-12-36 (2), (9), (11) and (15) constituting grounds for the revocation of his licenses under the provisions of Utah Code Ann. 58-12-35 (1953 as amended).

COUNT II

8. The Division realleges and incorporates by reference the allegations set forth in paragraphs 1 through 7 above as if fully set out herein.

9. Utah Code Ann. 58-1-25 (1) (1953 as amended) provides that the division may revoke a license if the holder has been guilty of unprofessional conduct.

10. Utah Code Ann. 58-37-8 (2) (a) (vi) (1983 Supp.) provides that it is unlawful for a practitioner licensed in accordance with this chapter knowingly and intentionally to prescribe or administer dosages of a controlled substance in excess of medically recognized quantities necessary to treat the ailment, malady, or condition of the ultimate user.

11. Utah Code Ann. 58-37-8 (4) (a) (ii) (1983 Supp.) provides that it is unlawful to acquire or obtain possession of, to procure or attempt to procure the administration of, or to prescribe or dispense to any person known to be attempting to acquire or obtain possession of or procure the administration of, any controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, or the use of a false name or address.

12. Utah Code Ann. 58-37-8 (4) (a) (iii) (1983 Supp.) provides that it is unlawful to make any false or forged prescription or written order for a controlled substance, or to utter the same or to alter any prescription or written order issued or written pursuant to the terms of this chapter.

13. Utah Code Ann. 58-37-8 (4) (a) (iv) (1983 Supp.) provides that it is unlawful to furnish false or fraudulent material information in any application, report, or other document required to be kept by this chapter, or to willfully make any false statement in any prescription, order, report, or record required by this chapter.

14. By engaging in the acts and practices contained in paragraph number 3, EGLI is in violation of the provisions of 58-37-8 (2) (a) (vi), 58-37-8 (4) (a) (ii), 58-37-8 (4) (a) (iii), and 58-37-8 (4) (a) (iv), constituting grounds for the revocation of his licenses under the provisions of Section 58-1-25 of the Utah Code.

COUNT III

15. Utah Code Ann. 58-1-15 (1) (1985 Supp.) provides that the Division may revoke a license if the holder has been guilty of unprofessional conduct as defined by statute or rule.

16. Utah Code Ann. 58-1-2 (1985 Supp.) defines unprofessional conduct as acts, knowledge, and practices which fail to conform with the accepted standards of the specific licensed occupation or profession and which could jeopardize the public health, safety, or welfare and includes the violation of any statute regulating an occupation or profession under title 58 of the Utah Code.

17. Utah Code Ann. 58-37-8 (4) (a) (ii) (1985 Supp.) provides that it is unlawful to acquire or obtain possession of, to procure or attempt to procure the administration of, or to prescribe or dispense to any person known to be attempting to acquire or obtain possession of or procure the administration of, any controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, or the use of a false name or address.

18. Utah Code Ann. 58-37-8 (4) (a) (iii) (1985 Supp.) provides that it is unlawful to make any false or forged prescription or written order for a controlled substance, or to utter the same or to alter any prescription or written order issued or written pursuant to the terms of this chapter.


19. Utah Code Ann. 58-37-8 (4) (a) (iv) (1985 Supp.) provides that it is unlawful to furnish false or fraudulent material information in any application, report, or other document required to be kept by this chapter, or to willfully make any false statement in any prescription, order, report, or record required by this chapter.

20. By engaging in the acts and practices contained in paragraph number 3, EGLI is in violation of the provisions of 58-37-8 (2) (a) (vi), 58-37-8 (4) (a) (ii), 58-37-8 (4) (a) (iii), and 58-37-8 (4) (a) (iv), constituting grounds for the revocation of his licenses under the provisions of Section 58-1-15 of the Utah Code.

WHEREFORE, the Division requests the following relief:

1. That EGLI be adjudged and decreed to have engaged in the acts alleged herein.
2. That by engaging in the above acts, EGLI be adjudged and decreed to have violated the provisions of the Medical Practice Act and the Controlled Substance Act.
3. That an Order be issued revoking the licenses of DAVID LAMBERT EGLI to practice Medicine and to Administer and Prescribe Controlled Substances.
4. That consistent with the provisions of 58-37-6 (4) (d) of the Code, an Order be issued immediately suspending EGLI'S Controlled Substance license pending final disposition of this matter.

DATED this 11th day of December, 1985.



Division of Occupational &
Professional Licensing
Department of Business Regulation

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

On the 11 day of December, 1985, personally appeared before me Christine Godnick, and after being duly sworn, deposes and says; that she has read the foregoing petition and knows the contents thereof; and that the same is true to the best of her knowledge except as to matters stated on information and belief, and that as to those matters she believes it to be true.

Christine Godnick
Investigator
Division of Occupational and
Professional Licensing
Department of Business Regulation

SWORN AND SUBSCRIBED to before me this 11 day of December 1985

Julie Stewart
NOTARY PUBLIC

My Commission Expires

6-24-89

DEPARTMENT OF BUSINESS REGULATION
Heber M. Wells Building
160 East 300 South, P. O. Box 45802
Salt Lake City, Utah 84145
Telephone: (801) 530-6626

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF BUSINESS REGULATION
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF :
DAVID LAMBERT EGLI :
TO PRACTICE MEDICINE AND TO : P E T I T I O N
PRESCRIBE AND ADMINISTER :
CONTROLLED SUBSTANCES : CASE NO. OPL-85-69
IN THE STATE OF UTAH :

PRELIMINARY STATEMENT

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PARTIES

1. The Division is a Division of the Department of Business Regulation of the State of Utah, established by virtue of Section 58-1-3 of the Utah Code.

2. DAVID LAMBERT EGLI is a licensee of the Division.

STATEMENT OF FACTS

3. a. On or about 1984 through September 1985 EGLI prescribed quantities of controlled substances in excess of what would have been necessary to treat the conditions and maladies of Glen Taylor, a person known to EGLI to have been an addict.

b. On or about July 11, 1984, September 12, 1984, October 12, 1984, November 1, 1984, November 21, 1984, November 28, 1984, January 7, 1985, and April 4, 1985, EGLI gave Glen Taylor signed blank prescription forms.

c. On or about April 16, 1985 EGLI purchased controlled substances using a prescription with a fictitious patients name, Karen Wright and address.

d. On or about May 29, 1985 EGLI purchased controlled substances using a prescription with a fictitious patients name, Glen Richardson and address.

e. On or about July 19, 1985 EGLI issued a prescription for controlled substances for Quida Auger without intending them to be used by her.

f. On or about July 30, 1985 EGLI was advised by the Utah State Medical Association after a peer review that his treatment of Taylor with controlled substances was improper. Thereafter, EGLI continued to prescribe the controlled substances to Glen Taylor.

g. On or about August 12, 1985 EGLI issued a prescription for controlled substances for Robyn Selin without intending them to be used by her.

h. On or about August 15, 1985 EGLI issued presigned and post dated prescriptions for Glen Taylor that were to be filled while EGLI was out of the country.

i. On or about 1984 through 1985 EGLI allowed Glen Taylor to engage in the unlicensed practice of medicine in his employ.

COUNT I

4. The Division realleges and incorporates by reference the allegations set forth in paragraphs 1 through 3 above as if fully set out herein.

5. Section 58-12-35 of the Utah Code provides that the Division may revoke a license if the holder is guilty of unprofessional conduct.

6. Section 58-12-36 defines unprofessional conduct to include:

(2) gross immorality or conduct unbecoming a person licensed to practice medicine or detrimental to the best interests of the public;

(9) aiding or abetting the practice of medicine by one not licensed or by one whose license is suspended; or practicing medicine as a partner, agent, or employee of, or in joint venture with, any person who does not hold a license to practice medicine within this state;

(11) knowingly, prescribing, selling, giving away or administering, directly or indirectly, or offering to prescribe, sell, furnish, give away or administer any of the drugs or compounds mentioned in the previous section to a habitue or addict unless permitted by law;

(15) any conduct or practice, contrary to the recognized standards of ethics of the medical profession, or any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient of the public, or any conduct, practice or condition which does or might impair the ability safely and skillfully to practice medicine;

(18) willfully and intentionally making any false statement or entry in any hospital records, medical records or reports.

7. By engaging in the acts and practices contained in paragraph number 3 above, EGLI has violated the provisions of 58-12-36 (2) (9) (11) (15) (18), constituting grounds for the revocation of his licenses under the provisions of Section 58-12-35 (a) of the Utah Code.

COUNT II

8. The Division realleges and incorporates by reference the allegations set forth in paragraphs 1 through 7 above as if fully set out herein.

9. Section 58-37-8 (2) (a) (vi) of the Controlled Substance Act provides that it is unlawful for a practitioner licensed in accordance with this chapter knowingly and intentionally to prescribe or administer dosages of a controlled substance in excess of medically recognized quantities necessary to treat the ailment, malady, or condition of the ultimate user;

(4) (a) (ii) to acquire or obtain possession of, to procure or attempt to procure the administration of, or to prescribe or dispense to any person known to be attempting to acquire or obtain possession of or procure the administration of, any controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, or the use of a false name or address;

(4) (a) (iii) to make any false or forged prescription or written order for a controlled substance, or to utter the same or to alter any prescription or written order issued or written pursuant to the terms of this chapter;


(4) (a) (iv) to furnish false or fraudulent material information in any application, report, or other document required to be kept by this chapter, or to willfully make any false statement in any prescription, order, report, or record required by this chapter.

10. By engaging in the acts and practices contained in paragraph number 3, EGLI is in violation of the provisions of 58-37-8 (2)(a)(vi), (4) (a) (ii), (4) (a) (iii), and (4) (a) (iv), constituting grounds for the revocation of his licenses under the provisions of Section 58-12-35 of the Utah Code.

WHEREFORE, the Division requests the following relief:

1. That EGLI be adjudged and decreed to have engaged in the acts alleged herein.
2. That by engaging in the above acts, EGLI be adjudged and decreed to have violated the provisions of the Medical Practice Act and the Controlled Substance Act.
3. That an Order be issued revoking the licenses of DAVID LAMBERT EGLI to practice Medicine and to Administer and Prescribe Controlled Substances.
4. That consistent with the provisions of 58-37-6 (4) (d) of the Code, an Order be issued immediately suspending EGLI'S Controlled Substance license pending final disposition of this matter.

DATED this 25th day of September, 1985.



Division of Occupational &
Professional Licensing
Department of Business Regulation

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

On the 25th day of September, 1985, personally appeared before me Christine Godnick, and after being duly sworn, deposes and says; that she has read the foregoing petition and knows the contents thereof; and that the same is true to the best of her knowledge except as to matters stated on information and belief, and that as to those matters she believes it to be true.

Christine Godnick

Investigator
Division of Occupational and
Professional Licensing
Department of Business Regulation

SWORN AND SUBSCRIBED to before me this 25th day of September 1985

Wendy Duke

NOTARY PUBLIC

My Commission Expires

3-1-88



Ted Boyer
Executive Director
Department of Commerce

Michael O. Leavitt
Governor
State of Utah

J. Craig Jackson
Director
Division of Occupational
and Professional Licensing

July 26, 2002

DAVID EGLI MD
4373 S LYNNE LANE
SALT LAKE CITY UT 84124

Dear Dr. Egli:

In reviewing your licensure data, the Division of Occupational and Professional Licensing discovered that you were issued a controlled substance license without any restrictions written on the back. Please be aware that your controlled substance license is restricted to schedule IV and V controlled substances. The privilege to prescribe schedule II and III controlled substances was revoked in case number OPL-85-69. Hence, you may not prescribe any schedule II or III controlled substances.

If you have any questions, I may be reached at the address below, by telephone at (801) 530-6789 or email at lpoe@utah.gov.

Sincerely,

Laura Poe, R.N., M.S.
Assistant Director, DOPL

Utah!
Where ideas connect

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
DAVID LAMBERT EGLI
TO PRACTICE AS A MEDICINE
IN THE STATE OF UTAH

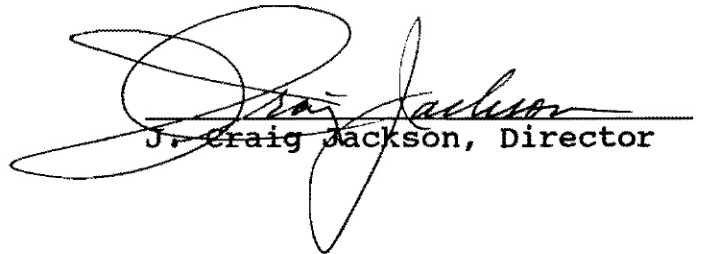
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: ORDER REINSTATING LICENSE
:
: Case No. OPL-91-101
:

BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth in the Division's Order, dated March 3, 1992, in the above-referenced case.

IT IS HEREBY ORDERED that the probation on the license of DAVID LAMBERT EGLI to practice medicine be terminated and said license be reinstated with full privileges.

Dated this 4th day of April, 1997.


J. Craig Jackson, Director

S E



AB
I approved Dr Egli to continue practicing as is until 5-15-92 & then after the effect of his Order will take place. DJL 5-5-92

David L. Egli, M.D.

Psychiatry

508 East South Temple #124

Salt Lake City, Utah 84102

(801) 355-6082

MAY 4 1992

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

April 30, 1992

David E. Robinson
Director,
Division of Occupational and Professional Licensing
and The Physicians Licensing Board
Heber Wells Building
P.O. Box 45805
Salt Lake City, Utah 84145-0805

Dear Sirs:

In accordance with the terms and conditions of the order in my case No. CPL-91-101 I herewith submit this letter regarding a practice plan for my future.

Unfortunately, inspite of intensive efforts to find new employment or a group office where I might practice together with other physicians I have found nothing yet for which I am eligible.

I have confirmed in telephone conversation with staff of the Office of Inspector General of the Federal Department of Health and Human Services that, even though I have recently completed paying in full the ordered reimbursement to the Medicaid Office of Recovery Services (deriving from my earlier problem of which you are aware) I will continue to be excluded from employment at any agency that receives any Title V, XIII, XIV or XX funds until August of 1997. Only if the State of Utah petitions in my behalf to have this exclusion waived will they consider ending it earlier. Health and Human Services considers such requests mainly on the basis of community need. The effect of all this seems to be to be to exclude me from employment at any county mental health agency in the Nation.

Not knowing this earlier, I had already applied at Salt Lake Valley Mental Health, Davis County Mental Health, Weber County Mental Health, Wasatch Mental Health (Utah County) and Southwest Utah Mental Health. Salt Lake Valley originally said they might have a part time position for me in July and I interviewed with them for that position. Since then they have informed me that they have filled the position with someone else. Davis County Mental Health say they may have a position vacated by a retirement in September. None of the other agencies have responded so far to my resumé and repeated telephone calls.

I am presently using the services of Jane Rogers, physicians' employment specialist with All Seasons Employment Agency, to look for positions outside the city and state for me. She has found nothing solid

for me so far. Potential employers who were positive on her first contact with them mention their awareness of disciplinary action against me when contacted for follow-up. Apparently they have made contact with the National Practitioner Data Bank in the interim.

I am now in the process of contacting privately practicing and group-practicing psychiatrists in the state to ask if I might share office space with them and work under the supervision of one of them. Of the nine I have contacted so far three have indicated they have no space and the rest have not responded.

I applied for a salaried position being offered at LDS Hospital. The department head said he would confer with hospital officials and then contact me. When, after some time, I re-contacted him he said the first position had already been given to some one else and a second one would not be offered, "in view of the recent events in your life".

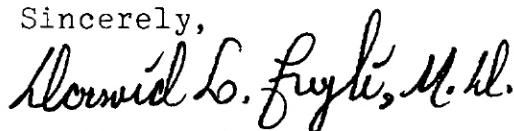
I am presently hopeful of being granted office space at the Western Institute of Neuropsychiatry where I might be supervised by one of the other psychiatrists there and see outpatients they refer to me. I would not be able to admit inpatients. I have not been able to discuss this request with anyone official as yet because the clinical director is out of town until next week. Dr. Mason Redd is cautiously optimistic, however.

It will be necessary for me to vacate my office and close down completely after the week of May 4 - 11, in any case, because the owners of the building are moving a new physician into my office on May 15.

I am still exploring the possibilities of work outside the field of medicine altogether.

I will write again regularly and, of course, submit the required professional practice plan as soon as I have one established.

Sincerely,

A handwritten signature in cursive script that reads "David L. Egli, M.D.".

David L. Egli, M.D.

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

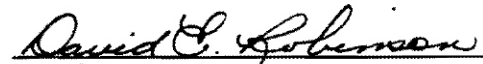
IN THE MATTER OF THE LICENSES OF
DAVID LAMBERT EGLI
TO PRACTICE MEDICINE AND TO
PRESCRIBE AND ADMINISTER CONTROLLED
SUBSTANCES IN THE STATE OF UTAH

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O R D E R
Case No. OPL-91-101

The attached Findings of Fact, Conclusions of Law and Recommended Order are hereby adopted by the Director of the Division of Occupational & Professional Licensing of the State of Utah.

Dated this 3rd day of March, 1992.


David E. Robinson
Director



Administrative review of this Order may be obtained by request for agency review with the executive director of the Department within thirty (30) days after issuance of this Order. Any such request must comply with the requirements of the Utah Code Ann. 63-46b-12(1) and R151-46b-12 of the departmental rules which govern agency review.

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

IN THE MATTER OF THE LICENSES OF	:	FINDINGS OF FACT
DAVID LAMBERT EGLI	:	CONCLUSIONS OF LAW
TO PRACTICE MEDICINE AND TO	:	AND RECOMMENDED ORDER
PRESCRIBE AND ADMINISTER CONTROLLED	:	
SUBSTANCES IN THE STATE OF UTAH	:	CASE NO. OPL-91-101
	:	

Appearances:

Melissa M. Hubbell for the Division of Occupational and
Professional Licensing

Sam N. Pappas for Respondent

BY THE BOARD:

Pursuant to notice, a hearing was conducted in the above-entitled matter on February 12, 1992 before J. Steven Eklund, Administrative Law Judge for the Department of Commerce, and the Physicians Licensing Board. Board members present for the hearing were George J. Van Komen, Robert S. Brodstein, D. Douglas Kohler and Rodney W. Merrell. The remaining Board members, David L. McCann, Douglas F. Sonntag and Harry C. Wong, were absent. David E. Robinson, the Director of the Division of Occupational and Professional Licensing, was present.

Thereafter, evidence was received. The Board, being fully advised in the premises, now enters the following:

FINDINGS OF FACT

1. Respondent is, and at all times relevant to this proceeding has been, licensed to practice medicine and to prescribe and administer controlled substances in the State of

Utah. Respondent became so licensed in 1976 and he has continuously maintained a private practice in psychiatry since that time.

2. From 1983 to 1984, Respondent provided treatment for a patient referred to herein as John Doe #1. On a weekly basis over a 3-4 month period during the course of treatment, Respondent instructed that patient to perform what Respondent referred to as a "balance test". Respondent informed the patient that the test would help him (Respondent) determine the proper dosage of medication to prescribe for the patient. Respondent instructed the patient to stand on one foot, close his eyes, hold his arms out and place the other foot in Respondent's groin area. Respondent remained seated with the patient's foot in that position. During one such episode, the patient opened his eyes and noticed a trance-like expression on Respondent's face. On inquiry from the patient, Respondent denied he obtained any sexual gratification from the above-described procedure.

3. From 1984 to 1987, Respondent treated a patient referred to herein as John Doe #2 for manic depression. From 1986 to 1987, Respondent regularly instructed that patient to perform the balance test. During one of their last sessions, the patient opened his eyes and noticed a strange expression on Respondent's face which was suggestive of sexual gratification. Respondent treated a patient referred to herein as John Doe #3 on four occasions in November 1990. The balance test was also administered on each occasion.

4. Respondent has periodically utilized the above-described test with other male patients during the past fifteen (15) years,

but he has not used that test with female patients. Based on the conflicting evidence presented, the duration of the procedure in any given case is not clear. Respondent initially believed the test provided some beneficial information for diagnostic or treatment purposes. However, Respondent subsequently came to believe his use of that test was inappropriate. Respondent now acknowledges the test was an abusive practice which could have had an adverse impact on certain patients. Based on the credible evidence presented, Respondent has not utilized that test since November 1990.

5. Since June 1991, Respondent has received psychiatric counseling from Dr. A. Mason Redd to address his conduct and possible motivations for his behavior. Weekly counseling sessions have usually been conducted and it is anticipated such therapy will continue on an indefinite basis. Given the current state of Respondent's progress in therapy, a comprehensive diagnosis is not presently possible. It appears Respondent utilized the balance test for some personalized benefit.

6. There is a lack of sufficient evidence to find Respondent's conduct was driven by the need to obtain sexual gratification or otherwise represented inappropriate sexual behavior toward any patient. Based on Dr. Redd's present evaluation of Respondent and his understanding and familiarity with Respondent as both a patient and colleague, it does not appear likely that Respondent will engage in similar misconduct in the future.

7. Respondent has initially explored other alternatives of practice as a psychiatrist. His private practice has been

impacted by reason of adverse publicity with respect to this proceeding and Respondent lacks any hospital privileges at the present time. He is willing to consider a possible psychiatric practice in either a group or agency setting.

CONCLUSIONS OF LAW

Utah Code Ann., Section 58-12-35(1) provides a physician licensed to practice medicine in this state shall be disciplined:

- (a) if the . . . licensee . . . has been guilty of unprofessional conduct as defined in this act.

Section 58-12-36 defines unprofessional conduct, as relating to the practice of medicine, to include:

- (2) gross immorality or conduct unbecoming a person licensed to practice medicine or detrimental to the best interests of the public;

.

- (15) any conduct or practice contrary to the recognized standards of ethics of the medical profession, or any conduct or practice which does or might constitute a danger to the health, welfare, or safety of the patient or the public, or any conduct, practice, or condition which does or might impair the license holder's ability to practice medicine safely and skillfully.

Respondent has engaged in unprofessional conduct within the meaning of the above-quoted statutes. There is no substantial evidence Respondent's use of the procedure under review was warranted in any given case. Respondent performed that unconventional procedure on numerous patients without due regard for the appropriate tests which could have provided necessary diagnostic information with regard to the condition of any given patient.

The nature of the procedure Respondent frequently used thus

represented a practice clearly contrary to the recognized standards of ethics of the medical profession. Further, Respondent's conduct could have constituted a danger to the health, welfare or safety of any given patient, he engaged in conduct unbecoming a person licensed to practice medicine and his practice was also detrimental to the best interests of the public. The motivation for Respondent's conduct also reflects an existing behavioral condition which may have impaired his ability to practice psychiatric medicine safely and skillfully. Thus, a sufficient basis exists to enter a disciplinary sanction as to Respondent's licensure.

Commendably, Respondent has initiated rehabilitative efforts to obtain counseling and thus address the motivation for his inappropriate conduct. Such therapy is ongoing and will be of an indefinite duration. Based on the credible and substantial evidence presented, appropriate restrictions can and should be placed on Respondent's continued ability to practice psychiatric medicine. Notwithstanding the unorthodox procedure which Respondent utilized, the Board concludes he is presently competent to practice in a setting which would provide a degree of supervision by - and interaction with - other mental health care professionals. The recommendation set forth below will both adequately protect the public health, safety and welfare and allow the Board to monitor Respondent's continued rehabilitative efforts.

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED that Respondent's license to practice medicine be placed on probation for five (5) years,

subject to the following terms and conditions:

1. Within sixty (60) days from the date this recommended order may be adopted by the Director of the Division of Occupational and Professional Licensing, Respondent shall submit a practice plan to the Board for its review and approval. Respondent may only maintain a psychiatric practice in either a group or agency setting which provides supervision of Respondent's practice.

2. Should Respondent fail to timely submit the just-described practice plan, his license to practice medicine shall be suspended until such time as a plan has been duly submitted for Board review and has been approved by the Board and Division.

3. Respondent shall obtain regular and continuous counseling through either Dr. Redd or another psychiatrist. Respondent's counselor shall provide written quarterly reports to the Board which set forth the nature of therapy provided and Respondent's progress.

4. Respondent's supervisor in his restricted practice setting shall submit written quarterly reports to the Board which set forth the nature of Respondent's duties and his performance in that position.

5. Respondent shall meet with the Board at the next regularly scheduled Board meeting held after this recommended order may be adopted. Thereafter, Respondent shall meet with the Board every three (3) months during the first year of probation. The frequency of subsequent meetings with the Board may be modified, as deemed warranted by the Board.

It is further ordered no basis exists to enter a disciplinary sanction with respect to Respondent's license to prescribe and administer controlled substances in the State of Utah.

Should Respondent fail to comply with the above-stated terms and conditions, or otherwise violate any statute or rule which governs his licenses to practice medicine and to prescribe and

administer controlled substances in the State of Utah, further proceedings shall be conducted and a determination made whether a sanction of greater severity than that set forth herein is warranted.

R. PAUL VAN DAM (#3312)
Attorney General
MELISSA M. HUBBELL (#5090)
Assistant Attorney General
36 South State, #1100
Salt Lake City, UT 84111
Telephone: (801) 533-3200

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

IN THE MATTER OF THE LICENSE OF)
DAVID LAMBERT EGLI) STIPULATION OF FACTS
TO PRACTICE MEDICINE AND TO)
ADMINISTER CONTROLLED SUBSTANCE) CASE NO. OPL-91-101
IN THE STATE OF UTAH)

The Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("the Division"), by and through counsel, Melissa M. Hubbell, Assistant Attorney General, and David Lambert Egli ("the Respondent"), by and through counsel, Sam Pappas, do hereby stipulate and agree as to the following:

1. Respondent agrees to and admits the following facts:
 - a. During the period of 1983 to 1984 John Doe #1 (name withheld for confidentiality) was a patient of Respondent. During the course of treatment, on a weekly

basis, for a three (3) or four (4) month period, Respondent instructed him to perform what Respondent called a "balance test". Respondent said this test would help him determine the proper dosage of medication to prescribe for this patient. John Doe #1 was told to stand on one foot, close his eyes, hold arms out, and place the other foot into Respondent's groin area, and to step down hard. Respondent remained in a seated position with the patient's foot in his crotch for approximately half an hour. During one visit the patient opened his eyes and noticed a trance like expression on Respondent's face. He asked the Respondent if he was getting sexual gratification from this and the Respondent denied it.

b. During the period from 1984 to 1987 Respondent treated John Doe #2 (name withheld for confidentiality) for manic depression. From on or about 1986 to 1987 Respondent regularly instructed John Doe #2 to perform the same "balance test" described above.

During one of their last sessions the patient opened his eyes and noticed a strange expression on Respondent's face that was suggestive of sexual gratification.

c. During the period from on or about November, 1990 Respondent treated John Doe #3 (name withheld for confidentiality). The patient had four visits with Respondent, during which the "balance test" was administered. During one session the patient was instructed to perform the "balance test" by placing his shoed foot in the area of Respondent's groin with the heel of his shoe on Respondent's scrotum. Respondent instructed the patient to push as hard as he could on his crotch. On the patient's last visit, Respondent had him perform the "balance test" and then requested that the patient wear lug soled boots on his next visit.

d. On or about June 4, 1991 Respondent was interviewed by W. Don Rogers, a Division Investigator. Respondent stated that he could not recall having any patient perform the

described test but admitted to having conducted balance tests on his male patients as described above. Respondent said that the test, as he administered it, is not a balance test taught in any medical school, but is his own invention. Respondent admitted that his "balance test", as described above is professionally inappropriate and was abusive to his patients.

2. Inasmuch as there is agreement to the facts in this case, Respondent and the Division agree that the Division shall not be required to put on testimony from witnesses to prove these facts. It is further agreed that the stipulated facts shall not prevent the Division from calling witnesses in rebuttal to Respondent or from presenting appropriate rebuttal exhibits to the Board.

3. It is agreed that the Respondent shall present any evidence by way of mitigation to the Board at the hearing.

4. Although the Physicians Licensing Board shall accept the facts listed in this Stipulation as proven, the Board shall not be precluded from asking any questions it may have of the Respondent, nor shall it preclude the Physicians Licensing Board from asking questions of any Division personnel or witnesses who

may be present at the hearing and capable of answering questions under oath.

DATED this 10 day of ~~January~~ February, 1992.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

DATE: _____

BY: _____

Melissa M. Hubbell
MELISSA M. HUBBELL
Assistant Attorney General
Counsel for Division

RESPONDENT

DATE: _____

BY: _____

David Lambert Egli
DAVID LAMBERT EGLI

APPROVED AS TO FORM:

DATE: _____

BY: _____

Sam Pappas
SAM PAPPAS
Counsel for Respondent

RECEIVED

SEP 16 1991

SAM N. PAPPAS (3745)
Attorney for David Lambert Egli
8 East Broadway, #213
Salt Lake City, Utah 84111
Telephone: (801) 355-4600

DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING

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

IN THE MATTER OF THE LICENSES OF : RESPONSE TO PETITION
DAVID LAMBERT EGLI TO PRACTICE
MEDICINE AND TO PRESCRIBE AND :
ADMINISTER CONTROLLED SUBSTANCES
IN THE STATE OF UTAH. : Case No. OPL-91-101

Respondent David Lambert Egli, through his attorney Sam N. Pappas, hereby responds to the petition herein as follows:

1. Respondent admits the allegation in paragraph 1 of the petition.
2. Respondent admits the allegation in paragraph 2 of the petition.
3. Respondent is without sufficient information as to the truth or falsity of the allegations contained in paragraph 3(a), and therefore denies the same. As the name of the alleged patient has been withheld and the allegations are older than six years, respondent is unable to form a response and requires a more definite statement of this allegation.

Respondent is without sufficient information as to the truth or falsity of the allegations contained in paragraph 3(b), and therefore denies the same. As the name of the alleged patient has been withheld and the allegations are older than four years, respondent is unable to form a response and requires a more definite statement of this allegation.

Respondent is without sufficient information as to the truth or falsity of the allegations contained in paragraph 3(c), and therefore denies the same. As the name of the alleged patient has been withheld, respondent is unable to form a response and requires a more definite statement of this allegation including the name of the alleged patient.

4. Respondent hereby incorporates his previous responses (above).

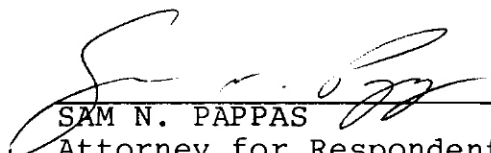
5. Admit.

6. Admit.

7. Deny.

WHEREFORE, respondent requests that the division amend its petition alleging with specificity its complaints, or in the alternative that the petition herein be dismissed.

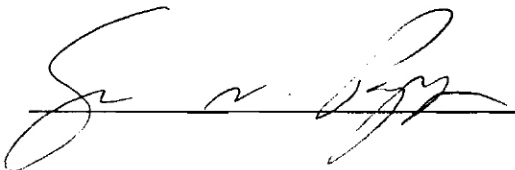
DATED this 16 day of September, 1991.



SAM N. PAPPAS
Attorney for Respondent

Certificate of Mailing

I do hereby certify that a copy of the foregoing Appearance of Counsel was mailed to Melissa M. Hubbell, Assistant Attorney General, 36 South State Street, 11th Floor, S.L.C., UT 84145-0802, on this 16 day of September, 1991.



DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
P. O. Box 45805 - Salt Lake City, Utah 84145-0805
Telephone: (801) 530-6628

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

IN THE MATTER OF THE LICENSES OF :
DAVID LAMBERT EGLI : **NOTICE OF AGENCY ACTION**
TO PRACTICE MEDICINE AND TO :
PRESCRIBE AND ADMINISTER : Case No. OPL-91-101
CONTROLLED SUBSTANCES :
IN THE STATE OF UTAH :

THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING TO THE ABOVE-NAMED RESPONDENT:

The Division of Occupational & Professional Licensing ("the Division") hereby files this Notice of Agency Action. Said action is based upon the Verified Petition of W. Don Rogers, Investigator, State of Utah, a copy of which is attached hereto and incorporated herein by reference.

The adjudicative proceeding designated herein is to be conducted on a formal basis. **Within thirty (30) days of the date of this notice, you are required to file a written response with this Division.** The response you file may be helpful in clarifying, refining or narrowing the facts and violations alleged in the Verified Petition.

You are entitled by law to a hearing, at which time you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence as to whether your licenses to practice medicine and to prescribe and administer controlled substances in the State of Utah should be subject to a disciplinary sanction. The presiding officer at the hearing will be J. Steven Eklund, Administrative Law Judge, Department of Commerce. If you have any questions as to the procedures relative to the hearing, he can be contacted at P.O. Box 45802, Salt Lake City, UT 84145-0802. His telephone number is (801) 530-6648.

Alternatively, you may attempt to negotiate a settlement of the case without proceeding to a hearing. Should you so desire, please contact Melissa M. Hubbell, Assistant Attorney General, immediately. She can be reached at (801) 533-3200 or Beneficial Life Tower, 36 South State Street, 11th Floor, Salt Lake City, UT 84111. If the case has not been resolved by Stipulation, as described above, on or before **September 13, 1991** [30 days from the date of this Notice of Agency Action], the Division will schedule a hearing and notice of the date, time and location for the hearing will be sent to you by certified mail.

Should you fail to timely file a response, as set forth above, or fail to appear for any scheduled hearing, you may be held in default and an order may enter consistent with the terms of the Verified Petition.

You may represent yourself or you are entitled to be represented by legal counsel at all times while this action is pending. Your legal counsel shall file with the Division an Entry of Appearance no later than the filing of a response to the Verified Petition.

Please conduct yourself accordingly.

Dated and mailed this 13th day of August, 1991.


David E. Robinson
Director

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South - P. O. Box 45802
Salt Lake City, Utah 84145
Telephone: (801) 530-6628

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

IN THE MATTER OF THE LICENSE OF :
DAVID LAMBERT EGLI : P E T I T I O N
TO PRACTICE MEDICINE AND TO :
ADMINISTER CONTROLLED SUBSTANCE :
IN THE STATE OF UTAH : CASE NO. OPL 91-101
:

PRELIMINARY STATEMENT

These claims were investigated by the Utah Division of Occupational & Professional Licensing (the Division) upon complaints that David Lambert Egli (Respondent), a licensee of the Division, has engaged in acts and practices which constitute violations of the Medical Practice Act, §58-12-1, et seq., Utah Code Ann. (1953), as amended, (U.C.A.).

PARTIES

1. The Division is a Division of the Department of Commerce of the State of Utah, established by virtue of Section 13-1-2, U.C.A.
2. Respondent is a licensee of the Division.

STATEMENT OF FACTS

3. a. During the period of 1983 to 1984 John Doe #1 (name withheld for confidentiality) was a patient of Respondent. During the course of treatment, on a weekly basis, for a three (3) or four (4) month period, Respondent instructed him to perform what Respondent called a "balance test". Respondent said this test would help him determine the proper dosage of medication to prescribe for this patient. John Doe #1 was told to stand on one foot, close his eyes, hold arms out, and place the other foot into Respondent's groin area, and to step down hard. Respondent remained in a seated position with the patients foot in his crotch for approximately half an hour. During one visit the patient opened his eyes and noticed a trance like expression on Respondent's face. He asked the Respondent if he was getting sexual gratification from this and the Respondent denied it.

b. During the period from 1984 to 1987 Respondent treated John Doe #2 (name withheld for confidentiality) for manic depression. From on or about 1986 to 1987 Respondent regularly instructed John Doe #2 to perform the same "balance test" described above. During one of their last sessions the patient opened his eyes and noticed a strange expression on Respondent's face that was suggestive of sexual gratification.

c. During the period from on or about November,

1990 Respondent treated John Doe #3 (name withheld for confidentiality). The patient had four visits with Respondent, during which the balance test was administered. During one session the patient was instructed to perform the "balance test" by placing his shoed foot in the area of Respondents groin with the heal of his shoe on Respondents scrotum. Respondent instructed the patient to push as hard as he could on his crotch. On the patients last visit Respondent had him perform the "balance test" and then requested that the patient wear lug soled boots on his next visit.

d. On or about June 4, 1991 Respondent was interviewed by W. Don Rogers, a Division Investigator. Respondent stated that he could not recall having any patient perform the described test but admitted to having conducted "balance tests" on his male patients as described above. Respondent said that the test, as he administered it, is not a balance test taught in any medical school, but is his own invention. Respondent admitted that his "balance test", as described above is professionally inappropriate and was abusive to his patients.

COUNT I

4. Paragraphs 1 through 3 are hereby incorporated by reference.

5. Section 58-12-35(1) provides that the director, upon written recommendation of the board, shall deny an

application for a license to practice medicine or shall discipline a physician licensed to practice medicine or otherwise lawfully practicing in this state in the following cases:

(a) if the applicant or licensee is not of good moral character or has been guilty of unprofessional conduct as defined in this act.

6. Section 58-12-36, U.C.A. defines unprofessional conduct as relating to the practice of medicine to include:

(2) gross immorality or conduct unbecoming a person licensed to practice medicine or detrimental to the best interests of the public:

(15) any conduct or practice contrary to the recognized standards of ethics of the medical profession, or any conduct or practice which does or might constitute a danger to the health, welfare, or safety of the patient or the public, or any conduct, practice, or condition which does or might impair the license holder's ability to practice medicine safely and skillfully.

7. Because Respondent performed inappropriate and abusive tests on his patients, as described above, he has violated the provisions of 58-12-36(2) and (15) U.C.A., constituting grounds for imposing an appropriate sanction against his licenses under the provisions of 58-12-25(1) U.C.A.

WHEREFORE, the Division requests the following relief:


1. That David Lambert Egli be adjudged and

decreed to have engaged in the acts alleged herein.

2. That by engaging in the above acts, David Lambert Egli be adjudged and decreed to have violated the provisions of the Medical Practice Act.

3. That an Order be issued imposing an appropriate sanction against the license of David Lambert Egli to practice as a Physician in the state of Utah.

DATED this 13 day of AUGUST, 1991.



Division of Occupational &
Professional Licensing
Department of Commerce

STATE OF UTAH

)

: ss.

COUNTY OF SALT LAKE

)

On the 13 day of August, 1991,

personally appeared before me W. Don Rogers, and after being duly sworn, deposes and says; that he has read the foregoing Petition and knows the contents thereof; and the same is true to the best of his knowledge except as to matters stated on information and belief, and that as to those matters he believes it to be true.

W. Don Rogers

Investigator
Division of Occupational
& Professional Licensing

SWORN AND SUBSCRIBED to before me this 13 day of August, 1991.

Carol W. Engstrom

NOTARY PUBLIC

My Commission Expires:

3-17-93

