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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 )  
**THOMAS EUGENE DRASCHIL** ) **STIPULATION AND ORDER**  
UTAH LICENSE #319131-1205 & 8905 )  
TO PRACTICE AS A PHYSICIAN/SURGEON )  
AND TO ADMINISTER AND PRESCRIBE ) **CASE NO. DOPL 2018- 366**  
CONTROLLED SUBSTANCES )  
IN THE STATE OF UTAH )

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**THOMAS EUGENE DRASCHIL** ("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 Physician 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 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 waives all rights to any 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 any and all rights set forth in Utah Code Ann. § 58-1-404(14) regarding the right to an order show cause hearing. Respondent waives any and all rights set forth in Utah Code Ann. § 58-1-404(14)(c) which provides that Respondent's license shall be suspended, and the suspension stayed, in favor of the sanctions set forth below providing that Respondent's license shall be revoked and the revocation stayed, along with all other sanctions contained herein. Respondent further waives any and all rights set forth in Utah Code Ann. § 58-1-404(14)(h) providing Respondent with the right to a further formal adjudicative proceeding,

and accepts the sanction set forth below providing that Respondent's license shall be revoked and the revocation stayed, along with all other sanctions contained herein. Respondent waives all other procedural and substantive rights contained in Utah Code Ann. § 58-1-404.

6. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter. 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 to practice as a physician and to administer and prescribe controlled substances in the State of Utah on or about March 24, 2015.
- b. On or about May 24, 2018, Respondent voluntarily entered into a diversion agreement and entered into the Division's Utah Recovery Assistance Program ("diversion") wherein Respondent admitted that on or about February 28, 2018, he pleaded guilty to one count of interruption of a communication device, a Class B misdemeanor, in Provo City Justice Court, Utah County, Utah. The offense occurred on November 30, 2017. Respondent admitted that on March 28, 2018, he unlawfully possessed the controlled substances Ketamine and marijuana, as well as drug paraphernalia. Respondent admitted that he was addicted to Ketamine and marijuana. Respondent admitted that Respondent had engaged in conduct, including the use of intoxicants, to the extent they might reasonably be considered to impair Respondent's ability to safely practice as a physician. Respondent agreed to certain terms and conditions in Respondent's diversion agreement, including the recommendation that he be evaluated and undergo inpatient treatment. Respondent subsequently attended two months of monitored treatment at approved out of state health facilities.
- c. Respondent has violated the terms and conditions of Respondent's diversion agreement.

- d. After entering treatment, Respondent disclosed to the Division that between January 2018 and July 2018, Respondent engaged in an inappropriate physical relationship with a current female patient.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (b), and Code of Medical Ethics Opinion 9.1.1 of the American Medical Association. Respondent hereby surrenders Respondent's licenses to practice as a physician and to administer and prescribe controlled substances in the State of Utah along with all residual rights pertaining to said licenses. Respondent hereby agrees that Respondent's participation in the Utah Recovery Assistance Program and Respondent's Diversion Agreement are hereby terminated. 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)(a). Respondent agrees not to reapply for licensure as a physician/surgeon or to administer and prescribe controlled substances in the State of Utah for a period of two years from the effective date of this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a physician and to administer and prescribe controlled substances in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

10. 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 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.

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.

12. 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.

12. 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.

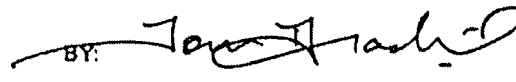
13. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

RESPONDENT

BY:   
LARRY MARX

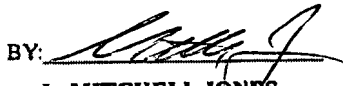
Bureau Manager

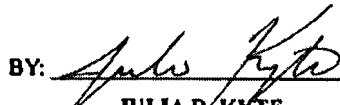
BY:   
THOMAS EUGENE  
DRASCHIL

DATE: 8/6/18

DATE: 8/6/18

SEAN D. REYES  
UTAH ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

BY:   
JULIA D. KYTE  
Counsel for Respondent

DATE: 6 Aug 18

DATE: 8/6/18

**ORDER**

THE ABOVE STIPULATION, in the matter of **THOMAS EUGENE DRASCHIL**, 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 7<sup>th</sup> day of August, 2018.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING



**MARK B. STEINAGEL**

Director

Investigator Kevin Nitzel