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

**IN THE MATTER OF THE LICENSES OF  
DAVID WILSON, TO PRACTICE AS AN  
OSTEOPATHIC PHYSICIAN AND  
SURGEON AND TO ADMINISTER AND  
PRESCRIBE CONTROLLED  
SUBSTANCES IN THE STATE OF  
UTAH**

**STIPULATION  
AND ORDER**

Case No. DOPL 2018-484  
License Numbers 8006131-1204 and  
8006131-8904

David Wilson (“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. The Respondent admits the jurisdiction of the Division over himself and over the subject matter of this action.
2. The Division and the Respondent desire to resolve the subject matter of this action and all other issues pertaining to and/or arising out of the denial of the Respondent’s license denial and the subsequent trial de novo of the matter in Third District Court. This Stipulation and Order (“Stipulation”) is entered into to avoid and terminate all further litigation between the parties.

The Respondent acknowledges that he enters into this Stipulation knowingly and voluntarily.

3. The Respondent understands that he has the right to be represented by counsel in this matter, and his signature below signifies that he has been represented in this matter by Tara Isaacson.

4. The Respondent understands that by signing this Stipulation, he hereby knowingly and intelligently waives the right to the trial de novo matter that was filed in Third Judicial District Court and to all judicial review he is entitled to associated with that matter. The Respondent and the Division hereby express their intent that this matter be resolved expeditiously through a stipulation.

5. The Respondent understands that this Stipulation, if adopted by the Division Director, will be classified as a public document.

6. The Respondent admits that the following facts are true:

a. The Respondent was originally licensed to practice as an osteopathic physician and to administer and prescribe controlled substances on August 9, 2011, license numbers 800613101024 and -8904.

b. On or about May 1, 2013, it was alleged that the Respondent had viewed inappropriate material on his work computer while working as a pediatric psychiatrist.

c. On or about August 27, 2013, the Division suspended the Respondent's professional licenses in an emergency proceeding based on the allegations in 6b.

d. On or about September 9, 2013, criminal charges were filed against the Respondent based on the allegations in provision 6b.

e. On or about February 26, 2014, the Respondent stipulated with the Division to stay the administrative proceedings pending the results of the criminal charges filed against the Respondent.

f. During the criminal case/trial, the Respondent's licenses to practice as an osteopathic psychiatrist and to prescribe and administer controlled substances expired.

- g. On or about December 22, 2016, Judge Hadley dismissed the criminal charges against the Respondent.
- h. On July 10, 2017, the Division denied the Respondent's application for licensure as an osteopathic physician based on a finding that the Respondent failed to meet the good moral character requirement for licensure. During the application process, the Respondent admitted that he had engaged in inappropriate conduct at work by viewing "preteen modeling sites." The Respondent acknowledged the need for and received counseling for this inappropriate conduct.
- i. On February 12, 2018, the Respondent filed a Petition for Judicial Review of the Final Agency Action, and the parties subsequently entered into this agreement as a result.

7. The Respondent admits that the admissions/facts described above in Paragraph 6 constitute unprofessional conduct as defined in Utah Code Ann. § Utah Code Ann. § 58-1-501(2)(b) and (f); and that said conduct justifies disciplinary action against the Respondent's professional licenses pursuant to Utah Code Ann. § 58-1-401(2)(a). The 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(6) and Utah Code Ann. § 58-1-401(2)(a). The Respondent, therefore, agrees that an Order may be entered in this matter imposing the following sanctions and restrictions on his license as a physician and surgeon in the State of Utah:

- a. The Respondent's licenses to practice as an osteopathic physician and surgeon, license number 8006131-1204, and to prescribe and administer controlled substance, license number 8006131-8904, will be placed on probation for a period of five years with the specific conditions of the probation set out in provision 7(b) of this Stipulation AFTER the

Respondent has received a fitness for duty certification from a Division-approved therapist/counsel. Additionally, the Respondent will permanently cease and desist from treating any patient, male or female, who is under 18 years of age. Five years from the effective date of this Stipulation, the Division and the Board will revisit this permanent prohibition against treating minor patients and allow the Respondent to make a case to lift this restriction. The Division and Board make no guarantees or promises of any kind that this restriction will be lifted at that time.

b. After receiving the proper fitness for duty certification, the Respondent's osteopathic physician and surgeon license and his license to administer and prescribe controlled substances, numbers 8006131-1204 and 8006131-8904 will be placed on probation for a period of five years from the effective date of this Stipulation. Three years from the effective date of this Stipulation, the Respondent may ask the Board/Division to terminate his probationary status. The Division/Board makes no guarantees or promises of any kind that it will agree to terminate the Respondent's probationary status at that time. During this probation, the Respondent shall be subject to all of the following terms and conditions. If the Board/Division later deems that any of the conditions are unnecessary, such deletions may be made by an amended order issued unilaterally by the Division.

- i. The Respondent shall meet with a Division Compliance Specialist within two weeks of the signing of this Stipulation and prior to Respondent's first meeting with the Board to review this agreement. For the remainder of the duration of probation, the Respondent shall meet with the Board or with the Division, as directed by the Division, quarterly or at such other greater or lesser

- frequency as the Division may direct.
- ii. After meeting with the Board/Division, the Respondent will comply with all of the Board's recommendations. Such recommendations may include appropriate counseling, quarterly meetings with the Board, continued sessions with the Respondent's counselor, etc.
  - iii. The Respondent shall execute any necessary releases to allow the Respondent's current therapist to provide reports to the Division and Board regarding the Respondent's progress in therapy/counseling. The Respondent shall cause progress reports to be submitted to the Division and Board at the frequency set forth in paragraph 7(b)(v) of this Stipulation.
  - iv. Failure of the Respondent to pay any costs associated with this Stipulation or to timely submit necessary paperwork/reports will be considered a violation of this Stipulation.
  - v. All reports and documentation required in this Stipulation shall be submitted to the Board on a monthly basis for the first six months of probation. If the Respondent is in compliance with all terms and conditions of the Stipulation at that time, then all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If the Respondent is not in compliance at the end of the first six months of probation, then he will continue submitting the required documentation on a monthly basis until the Division and Board deem that he is in compliance.
  - vi. The Respondent shall notify any employer or practice associate of his restricted status and the terms of this Stipulation. Respondent shall cause his employer to provide quarterly reports summarizing the Respondent's compliance with the terms and conditions of this Stipulation.
  - vii. Respondent shall attend all counseling or support group sessions, if any, that were recommended by the evaluator who submitted the fitness for duty certification. The frequency and duration of the Respondent's attendance, if any, at these meetings/sessions shall be determined by the fitness for duty evaluator.
  - viii. The Respondent shall practice only under the supervision of a Division-approved osteopathic physician supervisor during the term of his probation. Any changes in supervision may be made only with the consent of the Division and Board. Respondent shall deliver a copy of this Stipulation to his supervisor within ten days of the establishment of the supervisory relationship.

- ix. Respondent shall meet with his supervisor at a frequency determined by the Division and Board.
- x. If Respondent is self-employed in private practice, he shall hire a supervisor, pre-approved by the Division and Board.
- xi. The Respondent shall cause his supervisor to submit reports on the Respondent's compliance with the terms of his probation and ethics to the Division/Board at a frequency determined by the Division/Board.
- xii. The Respondent shall notify the Division and Board in writing within one week of any change of employer, employer status, or practice status.
- xiii. If the Respondent leaves the State of Utah for a period longer than 60 days or does not practice for a period of 60 days or longer, he shall notify the Board/Division in writing of the dates of his departure/period of unemployment and return.
- xiv. If the Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, the Respondent shall notify the Board/Division of this fact in writing within three days of the arrest, or if not arrested, of the charge. If the Respondent at any time during this probationary period is convicted of a criminal offense of any kind or enters into a plea in abeyance to a criminal offense of any kind, the Division may take appropriate action against the Respondent, including imposing the appropriate sanctions, after notice and opportunity for a hearing.
- xv. The Respondent shall not supervise any physician assistant unless preapproved by the Division/Board.
- xvi. The Respondent shall maintain a current license at all times during the period of this agreement, and he shall immediately notify the Board/Division in writing of any change in his residential or business address.
- xvii. The Respondent shall submit a practice plan to the Division/Board at his first meeting with the Division/Board, and he shall practice only according to a Division-approved practice plan. Additionally, the Respondent shall complete 80 hours of CME within six months from his first meeting with the Division/Board. The emphasis of this CME requirement will be explained to him at the first Division/Board meeting. The Respondent will not be required to take the SPEX exam prior to relicensing.

- xviii. Respondent shall have no sexual contact of any kind with any current or former patient, with any current or former patient's family member, or any staff member with whom Respondent works.
- xix. Respondent shall install and use filtering software that prohibits his viewing of inappropriate materials/sites at any home or work computer, along with any other computer the Respondent uses. The Respondent's supervisor shall have access to and shall monitor Respondent's work computer use, including his browser history.
- xx. Respondent shall have a designated office staff person, who is pre-approved by the Division, complete a Division-approved Staff Surveillance Form and provide the form to the Division on the first day of each month. The designated person shall verify that the Respondent's access to and use of the computer/internet has been monitored and is appropriate.
- xxi. Respondent shall successfully undergo and complete a periodic polygraph examination, at Respondent's expense, and provide the reports to the Division/Board. The polygraph exam will focus on Respondent's internet usage at work and home.
- xxii. Each year the Respondent shall successfully complete a continuing professional education course, Division pre-approved, on inappropriate internet use. This course shall not count towards the Respondent's regular continuing education requirement.

8. This Stipulation, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. The Respondent acknowledges that the Director is not required to accept the terms of this Stipulation, 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 the Respondent might have with regard to the Director by virtue of the Director having reviewed this Stipulation, and this waiver shall survive such nullification.

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9. 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. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

10. The terms and conditions of this Stipulation become effective immediately upon the signing of the Order page of this Stipulation by the Division Director. The Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation.

11. The Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed profession. If the Division files a Petitioner alleging the Respondent has engaged in new misconduct or files an Order to Show Cause alleging that the Respondent has violated any term or condition of this Stipulation, the period of Respondent's probation shall be tolled during the period the Petition and/or OSC has been filed and is unresolved.

12. Respondent shall comply with all the terms and conditions of this Stipulation. If a time period of completion of a term or condition is not specifically set forth in this Stipulation, Respondent agrees that the time period for completion shall be set by the Division/Board.

13. If the Respondent violates any term or condition of this Stipulation, the Division may take action against the Respondent including imposing sanctions, in the manner provided by law. Such sanctions may include revocation or suspension of the Respondent's licenses, or other



appropriate sanctions.


14. Respondent understands that the disciplinary action taken by the Division in this Stipulation may adversely affect any license that the Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. The Respondent has read each and every paragraph contained in this Stipulation He understands each and every paragraph contained in this Stipulation, he has no questions about any paragraph or provision contained in this document, and he agrees with every paragraph and provision contained in this Stipulation.

**DIVISION OF OCCUPATIONAL  
& PROFESSIONAL LICENSING**

**RESPONDENT**


  
Larry Marx  
Bureau Manager


  
David Wilson  
Respondent

10/22/18  
Date

10-18-18  
Date

**APPROVED AS TO FORM:**

  
Dan Lau  
Division Counsel

  
Tara Isaacson  
Counsel for Respondent

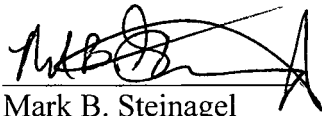
10-22-18  
Date

10/19/18  
Date

**ORDER**

THE ABOVE STIPULATION, in the Matter of the Licenses of David Wilson, 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 a disciplinary action pursuant to Utah Code Ann. § 58-1-401(2) and Utah Admin. Code R156-1-102(7). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 30<sup>th</sup> day of October, 2018.



Mark B. Steinagel  
Division Director