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

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<p>IN THE MATTER OF THE LICENSES OF <b>THOMAS EUGENE DRASCHIL</b> TO PRACTICE AS A PHYSICIAN/SURGEON (LICENSE NO. 319131-1205) AND TO ADMINISTER AND PRESCRIBE CONTROLLED SUBSTANCES (LICENSE NO. 319131-8905) IN THE STATE OF UTAH</p>	<p><b>STIPULATION AND ORDER SURRENDER OF LICENSURE</b></p> <p><b>CASE NO. DOPL 2024-<i>222</i></b></p>
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**THOMAS EUGENE DRASCHIL** (“Respondent”) and the Division of Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows:

1. Respondent admits the Division’s jurisdiction over Respondent and over the subject matter of this action.
2. Respondent enters into this Stipulation knowingly and voluntarily.
3. Respondent may consult with, and be represented by, counsel in this matter at Respondent’s own cost.
4. Respondent is entitled to be served with a Petition and Notice of Agency Action. Respondent may also have the right to a hearing before the State of Utah’s Physician Licensing

Board (“Board”), or other Division Presiding Officer, including the right to present evidence on Respondent’s own behalf, subpoena and call witnesses, confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. By signing this document, Respondent knowingly and intelligently waives the right to the issuance of a Petition and Notice of Agency Action, as well as the right to a hearing.

5. By signing this document, Respondent knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-4-901 through R151-4-907.

6. 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, as well as other information about this disciplinary action against Respondent’s license, to other persons and entities.

7. Respondent admits the following facts, for purposes of the Division’s civil discipline of Respondent’s license:

- a. Respondent was first licensed to practice as a physician, and to administer and prescribe controlled substances, in the State of Utah on March 24, 2015.
- b. On or about August 6, 2018, Respondent and the Division signed a Stipulation and Order in DOPL Case No. 2018-366 wherein Respondent admitted he unlawfully possessed a controlled substance, was addicted to Ketamine and marijuana, and engaged in inappropriate relations with a patient. Respondent surrendered his licenses.
- c. On or about July 22, 2022, Respondent and the Division signed another Stipulation and Order in DOPL Case No. 2020-310 whereby Respondent was issued a probationary license to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah.
- d. Respondent has since violated the terms of his license’s probation, under the Stipulation and Order in Case No. DOPL 2020-310, by the following acts or omissions:

- i. On or about October 18 and October 20, 2022, Respondent failed to submit to drug and alcohol testing, when requested by the Division, in violation of ¶ (8)(1)(k).
- ii. On or about July 7, 2023, Respondent's monthly therapist report identified Respondent's reported use of marijuana, in violation of ¶ (8)(1)(c). Respondent also admitted his use of marijuana to the Board at its July 2023 meeting.
- iii. On October 9, 2023, Respondent pleaded guilty to one count of impaired driving, a Class B Misdemeanor, before the Utah County Justice Court in Case No. 235103932. Respondent was sentenced to a suspended term of 90 days, fined \$1460, and placed on 364 days' probation. According to the terms of probation, Respondent was to abstain from use, consumption, or possession of any alcohol or illicit substances. Respondent's entry of this plea implies his consumption of drugs or alcohol, in violation of ¶¶ (8)(1)(c) and (e) and authorizes sanction of Respondent's license under ¶ (8)(1)(gg).
- iv. On December 1, 2023, Respondent was charged by information with one count of driving under the influence, a 3rd Degree Felony; one count of driving on a suspended license, a Class B Misdemeanor; and one count of failing to operate within a single lane, an infraction, before the Utah Fourth Judicial District Court in Case No. 231404552. As of June 19, 2024, this matter remained unresolved.
- v. On or about February 2 and April 3, 2024, Respondent submitted samples for drug and alcohol testing, at the Division's request, which produced non-negative test results indicating a creatinine level below 20 mg/dl (*i.e.* a dilute sample) in violation of ¶ (8)(1)(k).
- vi. On or about April 22, 2024, Respondent submitted a sample for drug and alcohol testing, at the Division's request, which produced a positive test result for marijuana in violation of ¶ (8)(1)(c).
- vii. On March 11, 2024, Respondent was charged by information with two counts of false claims for medical benefits, a 2nd Degree Felony, before the Utah Third Judicial District Court in Case No. 241902853. These charges arose from alleged conduct engaged in by Respondent while acting as a supervisor and medical director for Measures of Affect Theoretically Relative ("MATR"), a behavioral health company offering substance use disorder treatment, in violation of ¶ (8)(1)(aa). As of June 19, 2024, this matter remained unresolved.

8. Respondent's conduct described above amounts to unprofessional conduct as defined in Utah Code § 58-1-501(2)(a)(i), (iii), (v), and (xv). Said conduct justifies disciplinary action against Respondent's licenses pursuant to Utah Code § 58-1-401(2).

9. Respondent agrees that an Order, which constitutes disciplinary action against Respondent's licenses by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code § 58-1-401, may be issued in this matter providing for the following action against Respondent's license:

- a. Respondent hereby surrenders Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah, along with all residual rights pertaining to these licenses.
- b. Respondent agrees not to reapply for licensure in the state of Utah until:
  1. Three years have elapsed from the effective date of this Stipulation and Order;
  2. Respondent is able demonstrate he has not used alcohol or drugs for which he does not have a current valid prescription, for a period of at least one year, by providing monthly drug test results, from a Division-approved testing service, to the Division for the 12 months preceding his application;
  3. Respondent submits a mental health evaluation and a physical evaluation, performed by evaluators pre-approved by the Division, 90 days prior to submitting his application, which clearly indicate Respondent can safely practice as a physician; and
  4. Respondent submits documentation showing all criminal charges have been resolved and he has completed all criminal sanctions, if any.
- c. The Division does not guarantee any future application by Respondent for licensure will be granted.

10. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits any rights to practice as a physician/surgeon and to administer or prescribe controlled

substances in the state of Utah. Respondent will not receive any refund of license or renewal fees previously paid to the Division.

11. The Director is not required to accept the terms of this Stipulation and Order and, if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except the Division and Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of having reviewed this Stipulation, and this waiver shall survive such nullification.

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

13. The terms and conditions of this Stipulation and Order become effective immediately upon approval of this Stipulation and signing of the Order by the Division Director. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees the time period for completion of that term or condition shall be set by the Division.

14. Respondent agrees not to take any action or make any public statement that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

15. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules, and orders related to Respondent's licensed practice.

16. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanctions, in the manner provided by law.

17. The disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license Respondent may possess in another state or any application for licensure Respondent may submit in another state.

18. This surrender of Respondent's licenses does not extinguish any obligation Respondent has to pay any administrative penalty or fine previously ordered by the Division. Until Respondent has paid any such outstanding penalty or fine in full, any application for licensure submitted by Respondent shall be denied for the reason of failure to pay. The Division may also deny the license for any other lawful reason.

19. By signing below, Respondent affirms that Respondent has read and 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.

//(signatures on next page) //

DIVISION OF PROFESSIONAL  
LICENSING

RESPONDENT

BY: Larry Marx  
LARRY MARX  
Bureau Manager

BY: Tom Draschil  
THOMAS EUGENE DRASCHIL

DATE: 7/29/2024

DATE: 7/26/2024

SEAN D. REYES  
UTAH ATTORNEY GENERAL  
(as to form)

BY: Alexandra Butler  
ALEXANDRA D. BUTLER  
Counsel for the Division

DATE: 7/29/2024

**ORDER**

THE ABOVE STIPULATION, in the matter of **THOMAS EUGENE DRASCHIL**, is hereby approved by the Division of 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 Administrative Code R156-1-102(7) and Utah Code § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 29th day of JULY, 2024.

DIVISION OF PROFESSIONAL LICENSING

  
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MARK B. STEINAGEL  
Division Director

DEBORAH BURKOW  
Assistant Director

Bureau Manager ~ Larry Marx