

2. On or about November 32, 2010, Respondent voluntarily entered into a Memorandum of Understanding and Order with the Division in DOPL Case No. 2010-405 as set forth in Exhibit A, wherein Respondent admitted to unprofessional conduct.

4. On or about October 31, 2012, Respondent voluntarily entered into a stipulated agreement and order with the Division in DOPL-2012-448 as set forth in Exhibit B, wherein Respondent admitted to unprofessional conduct. Specifically, Respondent admitted that he violated his DOPL Case No. 2010-405 agreement and order with the Division by using drugs for which he did not have a valid prescription. Respondent received an unfavorable report from his supervisor and he admitted that he engaged in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct might reasonably be considered to impair Respondent's ability to safely practice as a licensed substance use disorder counselor.

5. Pursuant to the order issued as set forth in Exhibit B, Respondent's license was suspended, subject to various terms and conditions.

6. A review of Respondent's file indicates that Respondent violated the terms of terms and conditions of Respondent's probationary license in violation of unprofessional conduct defined in §58-1-501(2)(a), thus constituting a basis for action under §58-1-401(2) as follows:

- a. Stipulation and Order DOPL-2012-448 (Exhibit B) required that respondent comply with all conditions of Memorandum of Understanding and Order in DOPL Case No. 2010-405 (Exhibit A). Respondent failed to call in to Affinity to determine if Respondent was required to provide a sample for drug and alcohol analysis on 178 occasions between November 13, 2012 and August 20, 2013 in violation of paragraph (5)(l) of Exhibit A. Respondent also failed to provide a sample for drug and alcohol analysis on five occasions as required between January 23, 2013 and July 12, 2013 in violation of paragraph (5)(l) of Exhibit A. The dates on which Respondent failed to provide a drug sample as required are identified in Exhibit C.

NOTICE OF INFORMAL PROCEEDINGS

This action is designated as an informal adjudicative proceeding ("proceeding") in §R156-46b-202 in accordance with §63G-4-202(1).

You may represent yourself or legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated below. Until an Entry of appearance is filed, the presiding officer, or others within or representing the Division, will communicate directly with you.

The presiding officer for this proceeding is Mark. B. Steinagel, Director, Division of Occupational and Professional Licensing.

Richard J. Oborn is the Bureau Manager for your occupation or profession. If you or your attorney have any questions as to the procedures related to this matter, Mr. Oborn can be reached at the address provided below for a written response, by telephone at (801) 530-6767, or by email at roborn@utah.gov.

The proceeding will be conducted pursuant to §63G-4-203. There is no right to a hearing in this proceeding. The decision in this matter will be based upon a review of the Division's file.

Within ten (10) days of the mailing date of this notice, you may obtain by written request a copy of the relevant and nonprivileged contents of the Division's file related to this proceeding. Your request, if any, should be submitted to the address stated below.

Within thirty (30) days of the mailing date of this notice, you are required to file a written response herein. A response may be helpful to clarify, refine, or narrow the facts and violations related to the basis for this action as contained in the Division's file.

If you fail to file a response, it will constitute a basis for entry of default, and an order will be entered by the Presiding Officer without your participation. It will be based upon a review of the Division's file and, as deemed necessary, a review and recommendation by the Substance Use Disorder Counselor Licensing Board.

If you file a response, it will be included in the Division's file and will be considered by the presiding officer. The consideration may also include a review and recommendation by the Substance Use Disorder Counselor Licensing Board to the presiding officer. An original of your response, if any, should be mailed or hand delivered to:

Division of Occupational and Professional Licensing
Attn: Informal Disciplinary Files
(by mail): PO Box 146741
Salt Lake City UT 84114-6741
(by hand delivery):
160 East 300 South, 4th floor
Salt Lake City, UT

If you file a Response, you will be notified if this action is placed on the Board's agenda. Board meetings are normally open to the public and public comment may be provided if permitted by the chair of the Board. However, please note that if this action is placed on the Board's agenda, it is an agenda item, not a disciplinary hearing.

At the expiration of your deadline to submit a response, and without further notice to you, the presiding officer will make an informal review of the record in this matter and determine whether you have engaged in unprofessional conduct in violation of §58-1-501(2)(a) and if so, what disciplinary action is appropriate.

The maximum administrative sanction in this case is revocation of license to practice as a certified substance use disorder counselor and an order that you may not reapply for licensure as a substance use disorder counselor for five years. Other administrative sanctions may be imposed by the Division, including suspension of your license, restrictions imposed on the scope of your license, and a total administrative fine of up to \$2,000.

Please conduct yourself accordingly.

Dated this 21 day of August, 2013.

W. Ray Walker

W. Ray Walker
Regulatory & Compliance Officer



Exhibit A

In data

L. MITCHELL JONES (U.S.B. 5979)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
Heber M. Wells Building
160 East 300 South, 5th Floor
Box 140872
Salt Lake City, Utah 84114-0872
Telephone: (801) 366-0310

RECEIVED
DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OCT 11 2010

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

IN THE MATTER OF THE ISSUANCE OF)
A PROBATIONARY LICENSE TO MICHAEL)
ALLEN GARRETT TO PRACTICE AS A)
CERTIFIED SUBSTANCE ABUSE COUNSELOR)
INTERN IN THE STATE OF UTAH)

MEMORANDUM OF
UNDERSTANDING AND ORDER
CASE NO. DOPL 2010- 405

MICHAEL ALLEN GARRETT ("Respondent") submitted an application for initial licensure to practice as a Certified Substance Abuse Counselor (CSAC) Intern in the State of Utah on or about October 4, 2010. In the applicant questionnaire, Respondent answered "yes" to questions 21, 22, and 24. Documentation was received by the Division of Occupational and Professional Licensing of the Utah Department of Commerce ("Division") that verified the following:

- (1) On or about January 31, 2001 Respondent was convicted for interference with arresting officer, a Class B misdemeanor, in South Salt Lake Justice Court.
- (2) On or about September 19, 2001 Respondent was found guilty for criminal trespass, simple assault, and telephone harassment, all Class B misdemeanors. in South Salt Lake Justice Court.
- (3) On or about April 4, 2002 Respondent pleaded guilty to one count of simple assault, a Class A misdemeanor, and one count of use or possession of drug paraphernalia, a Class B misdemeanor, in South Salt Lake Justice Court.

- (4) On April 4, 2006 Respondent pleaded guilty to one count of illegal possession/use of a controlled substance, a Class A misdemeanor, in Third District Court, Salt Lake City.
- (5) On June 30, 2006 Respondent pleaded guilty to one count of retail theft, a Class B misdemeanor, in Salt Lake County Justice Court.

Based upon Respondent's conduct described above, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as a Certified Substance Abuse Counselor (CSAC) Intern in the State of Utah. If Respondent is later licensed as a Certified Substance Abuse Counselor in the State of Utah, all the terms of this order shall apply to Respondent's license to practice as a Certified Substance Abuse Counselor in the State of Utah. The license shall be subject to the following terms and conditions, which shall be in effect for a period of two years, commencing upon the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by his signature.

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (c). Respondent admits that Respondent has engaged in conduct that resulted in Respondent pleading guilty to, or being convicted of, a criminal offense involving moral turpitude and/or a criminal offense that, when considered with the functions and duties of a certified substance abuse counselor, is reasonably related to Respondent's ability to safely and competently practice as a certified substance abuse counselor. Respondent understands the issuance of the Order in this matter is disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2)(a).
2. Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement.
3. Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter.
4. Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Division Director, will be classified as a public document. The Division may release this Memorandum of Understanding and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

5. Respondent shall successfully complete and satisfy the following terms and conditions:
- (a) **Meeting with Compliance Specialist.** Respondent shall contact Division Compliance Specialist Susan Higgs within two weeks of the effective date of this Order to schedule a meeting for the purpose of discussing the terms and conditions of the Order. An appointment with Ms. Higgs may be scheduled by contacting her by phone at (801) 530-6428 or by email at shiggs@utah.gov.
 - (b) **Meetings with Board and Written Plan.** Respondent shall meet with the Board and Division at the first scheduled Board meeting after the effective date of the Order. Prior to the first scheduled Board meeting, Respondent shall submit to the Division a written plan that summarizes how Respondent will comply with the terms of the probation. Respondent shall meet with the Board and Division on a quarterly basis or at other greater or lesser frequency as determined by the Board and Division.
 - (c) **Supervised Practice.** Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor during the term of Respondent's probation. Supervisor shall be licensed as a mental health therapist in Utah. Any changes in supervision may be made only with the consent of the Division and Board. Respondent shall deliver a copy of this Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division in writing that a copy has been received. Supervisor shall also write the Division to confirm his or her understanding of the terms of the Order.
 - (d) **Meetings with Supervisor.** Respondent shall meet on a weekly basis with Respondent's supervisor unless otherwise approved by the Board and Division. Supervision goals shall include concurrent case management and oversight of substance abuse treatment services, professional relationships and practices. The supervisor shall oversee Respondent's clinical interventions and review clinical records.
 - (e) **Supervisor Reports.** Respondent shall cause Respondent's supervisor to submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's probation and professional ethics. The reports shall be submitted monthly for the first six months and quarterly thereafter, or at such frequency as directed by the Board and Division. The receipt of an unfavorable report may be considered to be a violation of probation.

- (f) **Non-Employment in Substance Abuse Profession.** If Respondent is not currently employed in Respondent's licensed profession, Respondent shall submit the supervisor report form on the date it is due and indicate on the form that Respondent is not currently employed in Respondent's licensed profession, or that Respondent is not currently working.
- (g) **Notification of Employer of Terms of Probation.** Respondent shall notify any employer in the profession of Respondent's restricted status and the terms of this Order. Respondent shall provide a copy of this Order to Respondent's employer and cause Respondent's employer to acknowledge to the Division and Board in writing that a copy of the Order has been provided to the employer.
- (h) Respondent shall not supervise licensed mental health, social work, substance abuse, or medical professionals or students.
- (i) **Continuing Education.** Respondent shall successfully complete three additional hours of continuing education, pre-approved by the Board and Division, in the area of Respondent's licensed field of practice. The continuing education must have emphasis in the area of ethics in the substance abuse profession. The three additional hours of continuing professional education shall be completed within one year of the effective date of this Order. Respondent shall provide documentation to the Division and Board of successful completion of the three additional hours.
- (j) **Essay.** Respondent shall submit an essay of at least 500 words focusing on laws, rules, regulations, and ethics that are relevant to the practice of substance abuse counseling in the Utah. Topics covered shall include those covered in the continuing education course required in paragraph (i) above. The essay may also include discussion of the State of Utah's Mental Health Professional Practice Act, the Substance Abuse Counselor Act, the Substance Abuse Counselor Act Rule, and the NAADAC Code of Ethics. The essay shall be submitted within one year of the effective date of this Order.
- (k) **Drug and Alcohol Limitations.** Although the use and possession of alcohol is generally legal for persons age 21 and older, Respondent agrees to abstain from the personal use or possession of alcohol in any form. Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions. Respondent shall abstain from the use of any and all other mood altering substances or use of mood altering substances for any other purpose than the purpose for

which the substance is intended.

- (l) **Drug and Alcohol Testing.** Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct drug testing. The designated company may also request such samples and Respondent shall comply with such requests. The Division shall determine when and where Respondent is to submit for testing. Respondent shall call in to a designated phone number every day to determine if Respondent is required to provide a sample for drug analysis. Respondent shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing. Any report from a drug testing company that indicates that Respondent failed to provide a sample for drug analysis as directed will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions. Any drug test result or pattern of results that indicates that the sample provided by Respondent for drug analysis is diluted to an extent that it cannot be analyzed will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions.
- (m) **Participation in Support Group Meetings.** Respondent shall participate in an alcoholics anonymous, narcotics anonymous, or other substance abuse support group. Documentation that confirms Respondent's regular attendance at such support group meetings shall be provided to the Division on a quarterly basis. "Regular attendance" means Respondent shall attend the support group at least two times per month.
- (n) **Notification of Division Upon Employment Changes.** Respondent shall notify the Division and Board within one (1) week of any change of employer or employment status. This is required regardless of whether Respondent is employed in Respondent's licensed occupation. The notification shall be in writing.
- (o) **Division's Authority to Make Changes to Terms of Probation.** Respondent shall limit Respondent's practice in accordance with the terms of probation, unless the Division and the Board authorize changes.
- (p) **Notification of Division if Leaving Utah for More than 60 Days.** In the event that Respondent leaves Utah for a period longer than 60 days. Respondent shall notify the Division and the Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Order. Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places

Respondent's license on probation with equal or greater terms and conditions.

- (q) **Periods of Unemployment.** Periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation. Should Respondent not be employed in Respondent's licensed occupation during Respondent's probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable. If the Respondent works less than full-time in Respondent's licensed occupation, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week. It shall be within the discretion of the Board and Division to modify this requirement if Respondent satisfactorily explains to the Board and Division that compliance in Respondent's case is impractical or unduly burdensome.
- (r) Should other acts of unprofessional conduct come to the attention of the Division or Board which have occurred prior to the entry of the Order in this case or should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation or impose sanctions in accordance with applicable law.
- (s) If a petition is filed against Respondent during Respondent's probation, the period of probation shall be extended until the matters alleged in the petition are fully resolved.
- (t) Respondent shall complete all terms and conditions of any criminal sanctions, incurred before or during the period of this agreement, including probation or parole. If Respondent has not successfully completed all terms and conditions or Respondent's criminal probation at the time Respondent's administrative probationary period ends, the period of Respondent's administrative probation shall be extended until all conditions of Respondent's criminal probation have been successfully completed.
- (u) **Notification of Address Changes.** Respondent shall immediately notify the Division, in writing, of any changes in private or professional address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division via first class U.S. Mail, and shall constitute notice to Respondent.
- (v) **Failure to Cover Costs Associated with Probation.** Failure to pay for any of the costs associated with this probation shall be considered a

violation of this Order. Respondent further agrees to complete all conditions of probation in a timely manner. Where a specific time for completion is not stated in this Order, it shall be within the Division and Board's discretion to set a time for completion.

- (w) Respondent agrees to keep Respondent's Utah license current during the period of probation.
 - (x) Respondent shall notify the Division immediately if Respondent is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement.
6. Respondent agrees to abide by all applicable federal and state laws, regulations, rules or orders related to Respondent's licensed field of practice.
 7. Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure.
 8. If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions and restrictions on Respondent's license as a certified substance abuse counselor will be lifted.
 9. If Respondent violates any term or condition of this Memorandum of Understanding and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.
 10. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Memorandum of Understanding and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.
 11. Respondent understands that the disciplinary action taken by the Division in this Memorandum of Understanding 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.
 12. The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. The Respondent shall complete all the terms and conditions contained in the

Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions.

13. 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. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding and Order.
14. Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order. Respondent understands each and every paragraph contained in this Memorandum of Understanding and Order. Respondent has no questions about any paragraph or provision contained in this Memorandum of Understanding and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

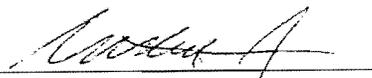
BY: 
RICHARD J. OBORN
Bureau Manager

BY: 
MICHAEL ALLEN GARRETT

DATE: 11/16/10

DATE: 11.10.10

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 3 Nov 2010

ORDER

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of **MICHAEL ALLEN GARRETT**, is hereby approved by the Division of Occupational and Professional Licensing. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Memorandum of Understanding are incorporated herein and constitute my final Order in this case.

DATED this 23 day of November, 2010.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

MAILING CERTIFICATE

I hereby certify that on the 23 day of November, 2010,
a true and correct copy of the foregoing MEMORANDUM OF
UNDERSTANDING was sent first class mail, postage prepaid, to the
following:

Michael Allen Garrett
8275 Julie Anna Ct
Sandy UT 84070

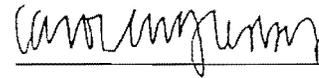


Exhibit B

L. MITCHELL JONES (U.S.B. 5979)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 146741
Salt Lake City, UT 84114-6741
Telephone (801) 366-0310

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)
MICHAEL ALLEN GARRETT) STIPULATION AND ORDER
TO PRACTICE AS A CERTIFIED SUBSTANCE)
ABUSE DISORDER COUNSELOR) CASE NO. DOPL- 2012-448
IN THE STATE OF UTAH)

MICHAEL ALLEN GARRETT ("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 Substance Abuse Disorder Counselor 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 hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann § 63G-4102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Division Director, 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, to other persons and entities

- 7 Respondent admits the following facts are true
- a Respondent was first licensed as a licensed substance abuse disorder counselor intern in the State of Utah on or about November 23, 2010. Respondent was first licensed as a substance abuse disorder counselor on or about June 21, 2011
 - b. On or about November 10, 2010 Respondent voluntarily signed a Memorandum of Understanding and Order in DOPL Case No 2010-405, wherein Respondent admitted to unprofessional conduct. Respondent was issued a license. Respondent's license was placed on probation, subject to terms and conditions, for a period of two years.
 - c Respondent has violated the Memorandum of Understanding and Order in DOPL Case No 2010-405
 - d In July and August 2012 Respondent used drugs for which Respondent had no valid prescription. When Respondent's employer asked about his use of drugs, Respondent at first denied using them, then later admitted using them. Respondent did not report his unlawful use to the Division until October 16, 2012.
 - e. On or about October 17, 2012 Respondent received an unfavorable supervisor report from Respondent's supervisor
 - f. Respondent has engaged in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct might reasonably be considered to impair Respondent's ability to safely practice as an licensed substance abuse counselor.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), (e), and (h), Utah Administrative Code R156-60d-502(1), and Sections IV j and V d. of the NAADAC Code of Ethics, and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2), shall be entered in this matter as follows

(1) Respondent's license shall be suspended. The suspension shall be lifted only after the following: (1) three months has passed from the effective date of this Stipulation and Order; (2) Respondent successfully completes a chemical dependency evaluation and psychological evaluation as set forth in paragraph 8(1)(a) below; (3) the clinical director at the evaluation facility submits a fitness for duty letter to the Division stating that Respondent can safely practice as a certified substance abuse disorder counselor; (4) Respondent begins individual therapy with a therapist preapproved by the Division; and (5) the Division and Board determine that Respondent may safely practice as a CSUDC. The suspension shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. During the period of suspension, and after the suspension is lifted, Respondent shall be subject to all of the terms and conditions of the Memorandum of Understanding and Order in DOPL Case No. 2010-405, plus the additional terms and conditions listed below. Respondent's period of probation shall be extended so that the terms and conditions shall be in effect for a period of three years from the effective date of this Stipulation and Order. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division.

(a) **Chemical Dependency and Psychological Evaluations.** Respondent shall successfully complete chemical dependency and psychological evaluations provided by Division-approved licensed providers within ninety (90) days of the effective date of this Stipulation and Order. Respondent shall contact the Division-approved evaluators for initial appointments within 10 days of the effective date of this Stipulation and Order. Respondent shall schedule the initial appointment for the evaluations to be held within 45 days of the effective date of this Stipulation and Order. Respondent shall attend all appointments and follow-up appointments in a timely manner. Respondent shall cooperate fully with the evaluators to ensure fair and complete evaluations. Respondent shall notify the Division immediately after successfully completing the evaluations and inform the Division that Respondent has successfully completed the evaluations. Respondent agrees to cause the evaluation reports to be sent to the Division within 90 days of the effective date of this Order. If Respondent fails to submit the evaluation(s) to the Division within the time stated above, the Division may take any action necessary pursuant to the Utah Administrative Procedures Act, Utah Code Annotated § 63-46b. In the interest of public safety, the Division may impose additional requirements above and beyond those recommended by the evaluator in the chemical dependency and psychological set forth above. Respondent agrees to comply with these additional requirements.

- (b) **Ongoing Therapy and Release of Information.** Respondent shall attend individual therapy until the Division or Board decides otherwise. Respondent shall successfully complete any therapy or treatment recommended by the psychological and chemical dependency evaluation reports. Respondent shall follow any treatment recommendations made by the evaluators, the Division, and/or Board. Respondent shall execute any necessary releases to allow the therapist to provide reports to the Division and Board regarding Respondent's progress. Respondent's therapy should focus on the areas of concern identified by the evaluator, Division or Board. Respondent shall cause progress reports to be submitted to the Division and Board by the therapist on a quarterly basis, or at a greater or lesser frequency as determined by the Division and Board. Respondent shall be responsible for all treatment expenses.

9. This Stipulation and Order, upon approval by the Division Director, 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 the Director having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

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. 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.

12. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board and Division. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. 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. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order,

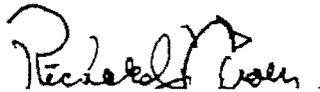
the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved

14 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.

15 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

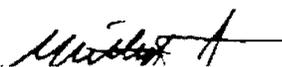
BY: 
RICHARD J. OSBORN
Bureau Manager

BY: 
MICHAEL ALLEN GARRETT

DATE: 10/30/12

DATE 10/29/12

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 30 Oct 2012

ORDER

THE ABOVE STIPULATION, in the matter of **MICHAEL ALLEN GARRETT**, 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(6) 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 31st day of October, 2012.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator Rich Oborn