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

IN THE MATTER OF THE LICENSES OF
SCOTT RULON WERNER, MD TO
PRACTICE MEDICINE AND TO
ADMINISTER AND PRESCRIBE
CONTROLLED SUBSTANCES IN THE
STATE OF UTAH

STIPULATION AND ORDER

Case No. **DOPL 2004-204**

Scott Rulon Werner ("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. The 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 Utah State Physicians Licensing Board ("the 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 acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing.

5. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

6. Respondent admits the following facts:

a. The Division has filed a Petition and Notice of Agency Action alleging gross negligence and gross incompetence in Respondent's treatment of a patient, LRW (Name withheld for confidentiality)

b. On or about January 6, 2005, Respondent entered a plea of guilty in the United States District Court, District of Utah, Central Division, Case No. 2:03-CR-907DAK to one count of Health Fraud, a violation of 18 USC § 1347, punishable by imprisonment of up to ten years and/or a fine of \$250,000.00.

c. Respondent admitted to devising a scheme to defraud health care benefit programs by submitting false claims representing that Respondent had rendered IV therapy services for beneficiaries when in truth and fact Respondent had rendered chelation therapy services for beneficiaries, resulting in payments from health care benefit programs to which Respondent was not entitled.

d. As part of the plea agreement, Respondent agreed to surrender his license to practice medicine and his license to prescribe controlled substances.

7. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501 (2)(a), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-67-401.

Therefore, Respondent agrees that an Order shall be entered in this matter as follows:

a. The Respondent's license to practice medicine and Respondent's license to prescribe controlled substances is surrendered pursuant to Utah Code Annotated § 58-1-306.

b. Pursuant to Utha Code Ann. § 58-1-306(3) this surrender of Respondent's licenses terminates all rights and privileges associated with the licenses.

c. Pursuant to Utah Code Ann. § 58-1-306(6) this surrender of licenses occurs while adjudicative proceedings are pending against the licensee for unprofessional or unlawful conduct and the division may report the surrender of licenses to appropriate state and federal agencies and licensing data banks.

8. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this 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 the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

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

10. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director.

11. 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: *Diana Baker*
DIANA BAKER, MS RN
Bureau Manager

BY: *Scott Rulon Werner*
SCOTT RULON WERNER

DATE: 5/31/05

DATE: 5/31/05

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: *David W. Geary*
DAVID W. GEARY
Counsel for the Division

BY: *Rob Hunt*
ROB HUNT
Counsel for the Respondent

DATE: 5/31/05

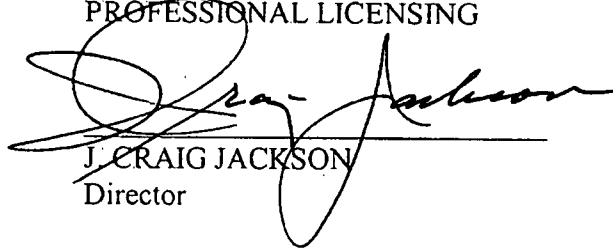
DATE: 5/31/05

ORDER

THE ABOVE STIPULATION, in the matter of **Scott Rulon Werner**, 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 terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 3rd day of June, 2005.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



J. CRAIG JACKSON
Director