

Dan Lau (U.S.B. No. 8233)
Assistant Attorney General
SEAN D. REYES (U.S.B. No. 7969)
Utah Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 140872
Salt Lake City, UT 84114-6741
TEL: (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 LICENSES OF)
THADDEUS EDWARD JACOBS) **STIPULATION AND ORDER**
UTAH LICENSE #7162897-7100 & 8919)
TO PRACTICE AS A)
A NATUROPATHIC PHYSICIAN AND TO)
ADMINISTER AND PRESCRIBE) **CASE NO. DOPL 2020-10**
TESTOSTERONE RELATED)
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

THADDEUS EDWARD JACOBS ("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 Respondent acknowledges that he enters into this Stipulation and Order ("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 the Respondent has been represented by Phillip S. Ferguson in this matter.
4. The Respondent understands that he is entitled to a hearing before the State of Utah's Naturopathic Physician Licensing Board ("Board"), or other Division Presiding Officer, at which time he may present evidence on his own behalf, call witnesses, and confront adverse witnesses. The Respondent understands that by signing this document he hereby waives the right to a hearing, the right to present evidence on his own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which he may be entitled in connection with said hearing. The Respondent understands that by signing this document he 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 R156-4-901 through R156-4-907. The Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G4-102(4).
5. The Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

DEC 31 2019

6. The Respondent understands that this Stipulation, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. The Respondent admits the following facts are true:

- a. The Respondent was first licensed to practice as a naturopathic physician in the State of Utah on or about November 20, 2008. The Respondent was first licensed to administer and prescribe testosterone related controlled substances in the State of Utah on or about March 1, 2011.
- b. In April 2019 the Respondent performed a liposuction procedure on the legs of a female patient, hereinafter referred to as "Jane Doe." Jane Doe subsequently suffered a massive infection in her left leg. The cause of the infection has not been determined. A surgeon who treated Jane Doe for the infection allegedly stated that the infection left Jane Doe at extremely high risk of death.

8. The Respondent admits that his conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), (g), (i), and (j). The Respondent agrees by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). The Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

- (1) The Respondent's licenses to practice as a naturopathic physician and to administer and prescribe testosterone related controlled substances in the State of Utah shall be revoked. The revocations shall be immediately stayed. The Respondent's licenses shall be subject to a term of probation for a period of five years. The period of probation shall commence when the Division Director signs the Order in this matter. During the period of probation Respondent's license shall be subject to all of the following terms and conditions. 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 and Board.
 - a. The Respondent shall meet with the Division and Board within thirty (30) days of the signing of the accompanying Order. The Respondent shall meet with a Division staff person prior to his 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 or Board, quarterly or at such other greater or lesser frequency as the Division or Board may direct.
 - b. Failure of Respondent to pay the costs associated with this Stipulation constitutes a violation of the Stipulation.
 - c. All reports and documentation required in this Stipulation shall be submitted to the Division and 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 Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until the Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis.
 - d. The Respondent shall notify any employer or practice associate of

the Respondent's restricted status and the terms of this agreement. The Respondent shall cause his employer to provide periodic reports summarizing the Respondent's compliance with the terms and conditions of this Stipulation at a frequency described in subparagraph (c) above.

- e. The Respondent shall promptly and successfully complete 40 (forty) additional hours of continuing medical education course focusing on managing infections and on proper medical documentation of care. The courses shall be pre-approved by the Division and Board. The course shall be completed within six months of the effective date of this Stipulation. The Respondent shall promptly provide the Division with documentation showing successful completion of any course so directed.

- f. The Respondent shall work under the general supervision of a naturopathic physician supervisor pre-approved by the Division and Board. The Respondent shall meet weekly with his supervisor unless the Board or Division determines a different frequency. The focus of supervision shall include the proper scope of practice for a naturopathic physician, managing infections, proper informed consent, and any other issues the supervisor determines are pertinent to the professional, competent and ethical practice as a naturopathic physician. The supervisor shall review 20% of the Respondent's patient records. The supervisor, not the Respondent, shall select which patient records shall be reviewed. The Respondent shall cause his supervisor to meet with the Division and Board, either in person or telephonically, at the Respondent's first meeting with the Board or have his supervisor speak with the Division's bureau manager, to discuss oversight issues and the responsibilities of a supervising naturopathic physician. The Respondent shall bring patient charts selected at random by his supervisor to the Division and Board whenever requested by the Division or Board. "General supervision" means that the supervisor (1) has authorized the work to be performed by the person being supervised; (2) is available for consultation with the person being supervised by personal face-to-face contact, or direct voice contact by telephone, radio, or some other means, without regard to whether the supervising licensee is located on the same premises as the person being supervised; and (3) can provide any necessary consultation within a reasonable amount of time and personal contact is routine.

- g. If the Respondent is self-employed in private practice, he shall hire a supervisor, pre-approved by the Board and Division.

- h. The Respondent shall cause his supervisor to submit reports to the Board and Division assessing the Respondent's compliance with the terms of the Respondent's probation and 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 a violation of probation.

- i. In the event the Respondent does not practice for a period of sixty (60) days or longer, he shall notify the Division and Board in writing of the date Respondent ceased practicing. The period of time in which the Respondent does not practice shall not be counted toward the time period of this Stipulation. It shall be within the discretion of the Division and Board to modify this requirement if the Respondent satisfactorily explains to the Division and Board that compliance in the Respondent's case was impractical or unduly burdensome. The Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in the Respondent's

profession.

- j. The Respondent shall notify the Division and Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in his profession.
- k. If the Respondent leaves the State of Utah for a period longer than sixty (60) days, he shall notify the Division and Board in writing of the dates of his departure and return. The licensing authorities of the jurisdiction to which the Respondent moves shall be notified by the Respondent in writing of the provisions of this Stipulation. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation.
- l. 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, or should the Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, the Respondent agrees to cause the Division and Board to be notified immediately. If the Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, including an offense based on the conduct described in this Stipulation, or enters into a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of the Respondent's licenses; or other appropriate sanctions.
- m. The Respondent shall maintain active licenses at all times during the period of this agreement.
- n. Respondent shall immediately notify the Division in writing of any change in his residential or business address.
- o. Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. Failure to do so shall be considered a violation of this Stipulation.
- p. Respondent shall submit a practice plan to the Division and Board within 90 days of the effective date of this Stipulation. The practice plan shall be submitted in a format prescribed by the Division and Board. The practice plan shall address Respondent's appropriate scope of practice as a naturopathic physician, his plan to improve his skills with infections, his use of a proper informed consent form with patients and other ethical and professional issues that are deemed appropriate and necessary by his supervisor.
- q. **The Respondent shall not perform or assist in any surgical procedure of any kind, until approved by the Division and Board. Specifically, the Respondent shall not perform any liposuction procedures on any patients. If the Respondent has any question or doubt as to whether or not a procedure is prohibited pursuant to the terms of this Stipulation, he MUST get approval from the Division's Bureau Manager.**

9. Upon approval by the Director of the Division, this Stipulation shall be the final compromise and settlement of this non-criminal administrative 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 they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. The Respondent shall 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 the 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, 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. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. The 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 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.

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. Respondent shall comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation, the Respondent agrees that the time period for completion of that term or condition shall be set by the Board or Division. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and may subject Respondent to revocation or other sanctions.

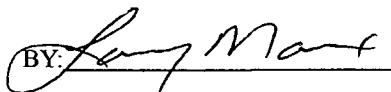
If the Respondent violates any term or condition of this Stipulation, the Division may take action against him, including imposing appropriate sanctions, in the manner provided by law. Such sanction may include revocation or suspension of the Respondent's licenses, or other appropriate sanction.

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

14. Respondent has read each and every paragraph contained in this Stipulation. He understands each and every paragraph contained in this Stipulation, and he has no questions about any paragraph or provision contained in this Stipulation.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: 
BY: _____

LARRY MARX
Bureau Manager



THADDEUS EDWARD JACOBS

DATE: Jan 3, 2020

DATE: 12-24-19

BY: [Signature]

Dan Lau

Ferguson

Counsel for the Division

BY: [Signature]

Phil

Respondent's Counsel

DATE: 1/7/20

DATE: 12.24.19

10

ORDER

THE ABOVE STIPULATION, in the matter of **THADDEUS EDWARD JACOBS**, 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 day of January 2020

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

[Signature]
MARK B. STEINAGEL
Director

Investigator: Dean Healey