

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

IN THE MATTER OF THE LICENSE OF	:	FINDINGS OF FACT,
ZINIA SUE THOMAS LICENSE #	:	CONCLUSIONS OF LAW,
11768769-1205 & 8905	:	RECOMMENDATION, AND ORDER
TO PRACTICE AS A PHYSICIAN AND	:	
SURGEON AND ADMINISTER AND	:	
PRESCRIBE CONTROLLED SUBSTANCES	:	
IN THE STATE OF UTAH	:	
	:	Case No. DOPL-2023-364

FINDINGS OF FACT

1. Respondent was initially licensed in Utah as a physician and surgeon and to administer and prescribe controlled substances on June 11, 2020.
2. Respondent was continuously licensed during the timeframes addressed herein.
3. Respondent has engaged in conduct that resulted in conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere which was held in abeyance pending successful completion of probation, with respect to a crime as follows:
 - a. On or about January 20, 2023, the Colorado Medical Board issued an order requiring the Respondent to submit to a mental or physical evaluation by the Colorado Physicians Health Program based on information that the Respondent had been arrested for possession of a large amount of marijuana and ecstasy pills in the State of Missouri.
 - b. On February 28, 2023, Respondent failed to comply with the Colorado Medical Board as directed, in violation of Colorado Case 2022-8356-B and the resulting Colorado Order. The Colorado Medical Board suspended the Respondents Colorado Medical License.

c. Pursuant to the Colorado Order, on or about February 28, 2023, Respondent's Colorado Medical License was suspended for failure to comply with the January 20, 2023, Colorado Medical Board order.

4. On October 5, 2023, the Division filed a Notice of Agency Action ("Notice") alleging that Respondent engaged in the conduct described resulting in the Colorado Medical Board action described.

5. The Notice further alleges that the discipline described when considered with the functions and duties of the profession for which the license was issued bears a reasonable relationship to the licensee's ability to practice their profession safely or competently.

6. Finally, the Notice alleges that by so doing Respondent engaged in unprofessional conduct in violation of Utah Code § 58-1-501(2)(a)(iv). The Notice seeks appropriate disciplinary action against Respondent pursuant to Utah Code § 58-1-401.

7. This matter is classified as an informal proceeding pursuant to Utah Administrative Code § R156-46b-202.

8. A written response was required in this matter pursuant to Utah Administrative Code § R156-46b-402 and the Notice filed herein. Respondent responded on October 6, 2023, by email that Respondent had received the Notice, was unaware of the Colorado Order and would formally respond. No additional response has been received. The Respondent's response is insufficient and does not answer the Division's concerns that the Respondent has engaged in unprofessional conduct.

CONCLUSIONS OF LAW

12. Respondent's failure to submit a sufficient written response constitutes a basis for entry of an order against Respondent and for an order to be issued solely based upon the evidence of record in the Division's file.

13. A review of relevant information supports a conclusion that Respondent engaged in the conduct described resulting in the Order by the Colorado Board of Medicine, and the Respondent's failure to comply and the suspension of the Respondent's Colorado License. When considered with the functions and duties of the Respondent's profession for which the license was issued bears a reasonable relationship to the licensee's ability to practice their profession safely or competently, constituting unprofessional conduct in violation of Utah Code § 58-1-501(2)(iv).

14. Respondent's conduct described resulting in the actions described constitutes a sufficient basis for disciplinary action against Respondent in accordance with Utah Code § 58-1-401.

ORDER

The Respondent's order is entered herein. After careful consideration of this matter, the Findings of Fact and Conclusions of Law herein are hereby adopted by the Director.

WHEREFORE, IT IS ORDERED Respondent's license to practice as a physician and surgeon and to administer and prescribe controlled substance in this state shall be suspended.

Dated this *14th* day of *November*, 2023


MARK B. STEINAGEL
Director

Notice of Rights of Review

Agency review of this order may be obtained by filing a written request for agency review with the Executive Director of the Department of Commerce within thirty (30) days after the issuance of this order. Any such request must comply with the requirements of Utah Code Ann. §63G-4-301 and Utah Admin. Code R151-4-902.