

 ORIGINAL

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

IN THE MATTER OF THE LICENSE OF  
**MARK LEE NEWWEY** IN THE STATE OF  
UTAH TO PRESCRIBE CONTROLLED  
SUBSTANCES - LICENSE #280752-8903  
AND DENTIST DEEP SEDATION &  
GENERAL ANESTHESIA PERMIT #1464

**SURRENDER STIPULATION AND  
ORDER**

Case No. DOPL

2024-5

**MARK LEE NEWWEY** ("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 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 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 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 R151-4-901 through R151-4-907.

5. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

6. Respondent understands that 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, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent was issued a license to prescribe controlled substances as a Dentist controlled substance (schedule 2-5) on or about June 27, 2001.
- b. An anonymous complaint was filed stating that Respondent was over prescribing controlled substances to new patients.
- c. Between February 2022 and September 2023, Respondent, prescribed large quantities of oxycodone to staff and friends, without having examined any of them, or acquired information sufficient to serve as a basis for issuing a prescription for oxycodone.

- d. Respondent stated that he does work free for staff, did not prepare medical reports for the free services and prescribed medication to the following individuals:
  - B.K. -1,750 Oxycodone pills prescribed for TMJ pain.
  - W.K. - Prescribed over 626 Oxycodone pills.
  - D.K. - Prescribed over 550 Oxycodone pills.
  - S.C. – Prescribed over 420 Oxycodone pills.
- e. K.M., a staff member for Respondent, was interviewed and stated she was taking painkillers for TMJ pain and had not had the surgery yet and that Respondent wrote the prescription for the pills.
- f. A.S., a staff member for Respondent, was also interviewed and stated that she had two molar extractions in 11/2022 which accounted for the pain meds prescribed on 11/06/2022 and 11/12/2022 which totaled 60 pills and was above the normal amount that should have been prescribed for those days. Respondent was able to show the medical record for A.S. for the molar extractions.
- g. Respondent prescribed Oxycodone to a former staff member, R.P., after she left Respondent's practice. Medical records showed a TMJ procedure performed on R.P. on 01/11/2023. Respondent prescribed 290 pills for R.P. which was not needed for a one-time procedure for TMJ.
- h. Respondent desires to surrender Respondent's controlled substance license and dentist deep sedation and general anesthesia permit in the State of Utah, along with all residual rights to said license and permit.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a)(i)(xiii)(A) and (B) and Utah Admin Rule R156-69-502(4) and (10). Respondent agrees by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's controlled substances license and dentist deep sedation and general anesthesia permit pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent agrees not to reapply for a controlled substance license and a dentist deep sedation and general anesthesia permit in the State of Utah until five years has elapsed from date the Division Director signs this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to a controlled substances license and deep

sedation and general anesthesia permit in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

9. This Stipulation and Order, upon approval by the Director of the Division, 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 the Respondent waive any claim of bias or prejudgment 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. 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.

11. 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.

12. 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.

13. 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: Larry Marx  
**LARRY MARX**  
Bureau Manager

BY: Mark Lee Newey  
**MARK LEE NEWEY**

DATE: 1/4/2024

DATE: 12-28-2023

SEAN D. REYES  
UTAH ATTORNEY GENERAL

BY: Laurie Noda  
**LAURIE L. NODA**  
Counsel for the Division

DATE: 1/4/2024

**ORDER**

THE ABOVE SURRENDER STIPULATION, in the matter of **MARK LEE NEWEY**, 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 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 11 day of JANUARY

2024

DIVISION OF PROFESSIONAL  
LICENSING

  
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**MARK B. STEINAGEL**

Director *by DEBORAH BURBURN*  
Assistant Director

**Investigator: Jack Guenon**