



ARIZONA MEDICAL BOARD

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FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on Thursday, November 29, 2018

1740 W. Adams St., Board Room 4100 • Phoenix, Arizona

Board Members

James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M., Chair
R. Screven Farmer, M.D., Vice-Chair
Jodi A. Bain, M.A., J.D., LL.M., Secretary
Bruce A. Bethancourt, M.D., F.A.C.P.
Teresa L. Connolly, D.N.P., R.N., N.E.A.-B.C.
Laura Dorrell, M.S.N., R.N.
Gary R. Figge, M.D.
Pamela E. Jones
Lois E. Krahn, M.D.
Edward G. Paul, M.D.

GENERAL BUSINESS

A. CALL TO ORDER

Dr. Gillard called the meeting to order at 3:32 p.m.

B. ROLL CALL

The following Board members participated telephonically: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Ms. Dorrell, Dr. Figge, Ms. Jones, Dr. Krahn and Dr. Paul.

ALSO PRESENT

Present among Board staff include: Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Raquel Rivera, Investigations Manager; William Wolf, Chief Medical Consultant, and Michelle Robles, Board Coordinator. Also present: Carrie Smith, AAG

C. CALL TO THE PUBLIC

No individuals addressed the Board during the Public Statements portion of the Meeting.

LEGAL MATTERS

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-18-0356A, LISA A. SPARKS, M.D., LIC. #13545

Dr. Sparks was present with counsel, Rachel Dapena, Esq.

Board staff summarized that on April 17, 2018 the Board received a complaint from a pharmacist regarding Dr. Sparks' prescribing practices, reporting high dose morphine equivalent doses, large quantities of oxycodone and potentially lethal medication combinations. The pharmacist provided the name of patient SS. The Medical Consultant (MC) identified multiple deviations from the standard of care and expressed concern regarding Dr. Sparks' apparent poor understanding of, and compliance with the principles of good opioid medication management. The MC noted that a sleep study was never performed, and frequent early refills were not addressed. The MC also noted that numerous inconsistencies on urine drug screens were not addressed. There were also no attempts at opioid rotation or taper, and only three EKGs were done for assessment of QTc interval. Additional concerns included the provision of two different muscle relaxers with long term use, and a notation of an additional muscle relaxer in a urine drug screen. The MC also noted that Dr. Sparks is not Board certified in Pain Management and does not fulfill criteria for a pain management specialist. During the course of this

investigation, the Board received an additional complaint inappropriate prescribing of opioids to a second patient. A case was opened regarding the care of DD and four additional patients were selected from Dr. Sparks' CSPMP profile for review based on concerning prescribing. Dr. Sparks was offered an Interim Consent Agreement (ICA) for a Practice Restriction prohibiting controlled substance prescribing, but declined.

Ms. Dapena stated that Dr. Sparks is willing to cooperate with the Board's investigation however the ICA will shut down her practice and not allow her to earn a living. Ms. Dapena stated that Dr. Sparks is willing to compromise by no longer treating the six patients at issue or conducting a medically supervised taper to address the Board's prescribing and patient safety concerns.

Dr. Sparks informed the Board that she is Board certified in Internal Medicine and has worked in addiction medicine for 15 years. Dr. Sparks stated that she works with the most complex patients in the pain management field and that they have been on these medications for years. Dr. Sparks stated that she schedules additional time with these patients to obtain an adequate examination, obtain history and develop a treatment plan. Dr. Sparks reiterated that the restriction will deny her of a livelihood and limit her patients' ability to obtain appropriate treatment. Dr. Sparks stated that she is willing to sign the proposed ICA or to reach a compromise to continue to prescribe in lieu of summary suspension.

MOTION: Dr. Paul moved for the Board to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Krahn.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Ms. Dorrell, Dr. Figge, Ms. Jones, Dr. Krahn and Dr. Paul.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board entered into Executive Session at 3:46 p.m.

The Board returned to Open Session at 3:53 p.m.

No legal action was taken by the Board during Executive Session.

Dr. Krahn expressed concern regarding patients, who has a high body mass index with a potential risk for obstructive sleep apnea and the inherent risks in this prescribing pattern. Dr. Farmer also expressed a concern regarding the apparent contradiction of Dr. Sparks claim that there is no harm in her prescribing patterns, and stated willingness to taper the patients' medications. Dr. Farmer stated that if medication taper was medically safe for these patients, it should have already been done. Dr. Krahn opined that due to the long period of prescribing high dose opioids and the willingness to abruptly change that pattern poses a question of Dr. Sparks' knowledge regarding management of these complex patients. Dr. Farmer opined that there is a public safety concern and Dr. Sparks must be restricted from prescribing controlled substances. Dr. Paul commented that the MC pointed out a discrepancy of the urine drug screens for patient SS on a number of occasions.

MOTION: Dr. Farmer moved to summarily suspend Dr. Spark's Arizona medical license based on the finding that the public health, safety, or welfare imperatively requires emergency action by the Board.

SECOND: Dr. Krahn.

Ms. Smith noted that the licensee is willing to sign the interim practice restriction that was initially offered. Dr. Farmer expressed a concern for public safety and stated that the licensee' ability to be regulated is questionable. Dr. Figge opined that if the ICA is signed there is no need to summarily suspend the license. Dr. Krahn withdrew her second.

MOTION WITHDRAWN DUE TO NO SECOND.

Ms. Smith confirmed that the proposed ICA would prohibit prescribing of all control substances while the Board completes its investigation.

MOTION: Dr. Krahn moved to accept the signed interim Consent Agreement for Practice Restriction from prescribing controlled substances pending the outcome of the investigations.

SECOND: Dr. Paul.

ROLL CALL: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Gillard, Dr. Bethancourt, Dr. Connolly, Ms. Dorrell, Dr. Figge, Dr. Krahn and Dr. Paul. The following Board members voted against the motion: Dr. Farmer, Ms. Bain and Ms. Jones.

VOTE: 7-yay, 3-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

E. ADJOURNMENT

MOTION: Ms. Jones moved to adjourn the meeting.

SECOND: Dr. Farmer.

The following Board members voted in favor of the motion: Dr. Gillard, Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Connolly, Ms. Dorrell, Dr. Figge, Ms. Jones, Dr. Krahn and Dr. Paul.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The meeting adjourned at 4:08 p.m.



Patricia E. McSorley
Patricia E. McSorley, Executive Director