

Louisiana State Board of Medical Examiners

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In The Matter Of

No. 10-I-930

BRIAN WAYNE SPARKS, P.A.
(Certificate No. 200306.RX)
Respondent

CONSENT ORDER
FOR REPRIMAND

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The Louisiana State Board of Medical Examiners (the "Board") conducted an investigation of Brian Wayne Sparks, PA, ("Mr. Sparks") who has been licensed in Louisiana since September 15, 2009 and practicing in the area of Family Medicine in and around Minden, Louisiana. The Board has developed reliable information indicating that Mr. Sparks exceeded the authority granted him by his license by prescribing a medication to another Physician Assistant without the knowledge and consent of his Supervising Physician, outside of a clinical setting, and without maintaining a medical record.

Mr. Sparks now recognizes that his actions were inappropriate, and offers that they were not intentional but the result of his misunderstanding of the rules governing PA practice, which he has now corrected.

Predicated on the foregoing, the Investigating Officer ("I/O") appointed by the Board with respect to this investigation has determined that probable cause exists for recommending to the Board that an Administrative Complaint be filed in this matter charging Mr. Sparks with violation of the Louisiana Physician Assistant Practice Act, La. Rev. Stat. §37:1360.33(3), ("the Act"),¹ and the Board's Rules pertaining to Physician Assistants, La. Adm. C. 46: XLV§4506 A(1)² §4506 C.1, and §4511 A(4).³

¹La. Rev. Stat. §37:1360.33(3) provides: "The Board may, exercising due process, discipline any physician assistant, as provided in R.S.37:1360.34, that :... (3) violates any provision of this Part or any regulation adopted by the Board pertaining to this Part."

² Pursuant to §4506 a...a PA with prescriptive authority may issue prescriptions for medication"...to a patient of the supervising physician."

³La. Adm. C. 4506C.1, provides that a PA who h as been delegated prescriptive authority shall not "utilize prescriptive authority without supervision, as defined by §1503, or at any location other than specified in the supervising physician's registration on file with the board, except in life-threatening emergencies."

As evidenced by his subscription hereto, Mr. Sparks acknowledges the substantial accuracy of the foregoing information and that proof of such information upon an administrative evidentiary hearing could constitute sufficient cause under the Act for the imposition of such terms, conditions, or restrictions on his license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to have notice of any such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§ 49:951, *et seq.*, Mr. Sparks nonetheless, hereby waives his right to formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Mr. Sparks further acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum relating to the matters referred to herein.

By his subscription hereto, Mr. Sparks also hereby authorizes the I/O to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Mr. Sparks expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to I/O's authority to proceed with the filing and adjudication of an administrative complaint against him, or to the Board's capacity to adjudicate such complaint, should the Board decline to accept this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1326 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that Brian Wayne Sparks, PA. is hereby **OFFICIALLY REPRIMAND** for the conduct described hereinabove:

IT IS FURTHER ORDERED that Mr. Sparks' license to practice as a physician assistant and his continuing exercise of the rights and privileges granted to him thereby, shall be subject to his acceptance and strict compliance with the following terms and conditions:

⁴ §4511 A.4 insure that, with respect to each direct patient encounter, all activities, functions, services, treatment measures, medical devices or medication prescribed or delivered to the patient by the physician assistant are properly documented in written form in the patient's record by the physician assistant and that each such entry is countersigned by the supervising physician within 24 hours with respect to inpatients in an acute care setting and patients in a hospital emergency department; within 48 hours with respect to patients of nursing homes and other sub-acute settings and within 72 hours in an office, clinic and all other practice settings;

1. **Payment of Fine.** Mr. Sparks shall pay a fine of \$1,000.00 to the Board, within ninety (90) days of the effective date of this Order;
2. **Continuing Medical Education-Professionalism and Proper Prescribing.** Within one hundred eighty (180) days of the effective date of this Order, Mr. Sparks shall successfully complete one or more courses of study in the area of professionalism and proper prescribing. All courses required by this provision shall be pre-approved by the Board or its designee;
3. **Demonstration of Understanding-Board's Rules.** Within one hundred eighty (180) days of the effective date of this Order, Mr. Sparks shall provide evidence to the Board's satisfaction that he has gained an understanding of and is practicing in accordance with the law and the Board's rules and regulations respecting physician assistants; and

IT IS FURTHER ORDERED that the failure of Brian Wayne Sparks, PA to fully comply with the above terms within the allotted time may give rise to such further action against his license to practice as a physician assistant in the state of Louisiana as the Board may deem appropriate, as if such violation was enumerated among the causes provided in La. Rev. Stat. §37:1360.33(3).

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 14 day of March, 2011.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

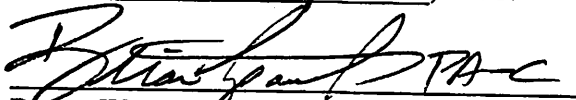
By: Mark Dawson MD
MARK H. DAWSON, M.D.
President

*Acknowledgment and Consent Follows
on Next Page*

STATE OF LOUISIANA
PARISH OF Bossier

**ACKNOWLEDGMENT
AND CONSENT**

I, **BRIAN WAYNE SPARKS, PA**, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 23rd day of February, 2011.


BRIAN WAYNE SPARKS, PA

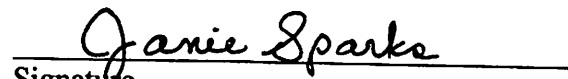
WITNESSES:


Signature

Lindsey Collins
Typed Name

269 Marie Rd
Address

Ringgold, LA 71068
City/State/Zip Code

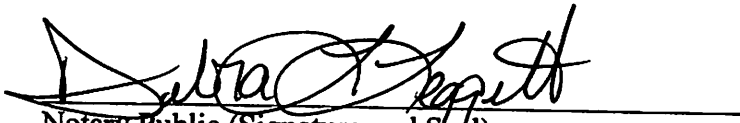

Signature

JANIE SPARKS
Typed Name

170 N. Colbert
Address

Minden, LA 71055
City/State/Zip Code

Sworn to and subscribed before me this 23rd day of February, 2011,
in the presence of the two stated witnesses.


Notary Public (Signature and Seal)

Debra L. Leggett #61456
Printed Name/Notary or Bar Number