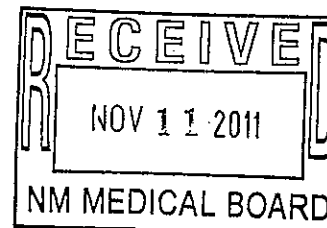


BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)

TWANA SPARKS, M.D.)

License #87-386)

Respondent)

Case No. 2009-011

ORDER

THIS MATTER came before the New Mexico Medical Board ("Board") upon Twana Sparks, M.D.'s ("Respondent") request to be released from her Agreed Order.

WHEREAS Respondent has an active license to practice medicine in the state of New Mexico; and

WHEREAS in November 2009, Respondent entered into an Agreed Order with the Board which placed certain terms and conditions upon Respondent's license to practice medicine; and

WHEREAS in November 2011, Respondent requested to be released from the Agreed Order; and

WHEREAS the Board has determined that Respondent has met all the terms and conditions set forth in the Agreed Order.

IT IS THEREFORE ORDERED that the stipulations placed on Respondent's license to practice medicine in Case No. 2009-011 are hereby removed and Respondent shall have an unrestricted license to practice medicine in New Mexico.

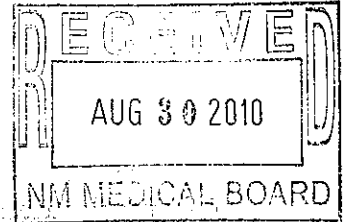
Dated: Nov. 11, 2011

NEW MEXICO MEDICAL BOARD

By: 

Steven Weiner, MD, Chair

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)

Twana Sparks, M.D.)

License No. 87-386)

Respondent)

No. 2009-011

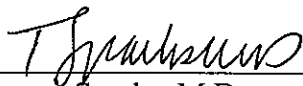
AMENDED ORDER


The Decision in the above matter entered on or about November 12, 2009, is hereby amended by removing the requirement that Respondent undergo polygraph examinations every four (4) months and to reflect a name change throughout the Order that reads the New Mexico Professionals Resource Network ("New Mexico PRN") in place of the Resource Center for Health Professionals ("RCHP").

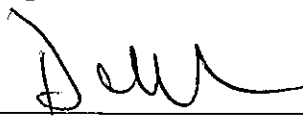
In all other respects, the November 12, 2009 Order shall remain in full force and effect.

DATED: August 13, 2010.

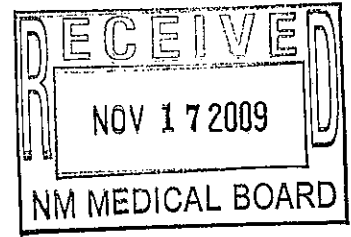
New Mexico Medical Board

By: 
Twana Sparks, M.D.
Respondent

By: 
Steven Weiner, M.D., Chair

By: 
Deborah A. Solove
Attorney for Respondent

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
Twana Sparks, M.D.)
License No. 87-386)
Respondent)
_____)

No. 2009-011

AGREED ORDER

WHEREAS the New Mexico Medical Board ("Board") has issued and adopts a Notice of Contemplated Action ("NCA") against Respondent Twana L. Sparks ("Respondent"); and

WHEREAS Respondent is represented by Deborah A. Solove and enters into this Agreed Order after conferring with Ms. Solove; and

WHEREAS Respondent desires to settle her differences with the Board; and

WHEREAS Respondent denies any wrongdoing but acknowledges that the Board could present evidence in support of the allegations in the NCA if this matter were to proceed to a hearing; and

WHEREAS Respondent understands that this Agreed Order will be reported to the National Practitioners Data Bank and the Healthcare Integrity and Protection Data Bank; and

WHEREAS Respondent knows and understands that this Order is made pursuant to the Medical Practice Act and Board Rule 16.10.5.15 NMAC, that she is giving up and waives rights under the Uniform Licensing Act, Medical Practice Act, the Impaired Health Care Providers Act, and a right to an appeal and any claim she may have regarding this matter; and

WHEREAS this Agreed Order constitutes the entire agreement between the parties; AND
GOOD CAUSE APPEARING:

IT IS HEREBY ORDERED that for as long as Respondent has a New Mexico license to practice medicine:

(1) Respondent shall only diagnose and or treat ear, nose and throat conditions of her patients;

(2) Respondent shall not perform any genital, rectal or breast exams for any reason;

(3) Respondent shall inform patients that they need to be seen by other healthcare providers for any other condition that they may have;

IT IS FURTHER ORDERED that Respondent is placed on probation under the above and following additional terms and conditions;

(5) Respondent shall participate in the Resource Center for Health Professionals ("RCHP") under the direction of Connie Merrell-McDonald and shall comply with the RCHP requirements;

(6) Respondent hereby waives any right to confidentiality she may have with respect to information gathered by the Resource Center for Health Professionals ("RCHP") with regard to Respondent's participation in, compliance with this Order and benefit from treatment and rehabilitation activities. This waiver shall extend six months after the end of Respondent's participation in RCHP. Respondent is responsible to have RCHP submit quarterly reports to the Board that is an assessment of Respondent's participation in, compliance with this Order and benefit from treatment and rehabilitation activities;

(7) Respondent will participate in regular individual therapy sessions with a psychotherapist that is approved by RCHP. Respondent hereby waives any right to confidentiality she may have with respect to information gathered by the psychotherapist with regard to

Respondent's participation in, compliance with this Order and benefit from treatment and rehabilitation activities. Respondent shall be responsible to have her therapist make quarterly reports to the Board regarding Respondent's participation, compliance and progress in therapy;

(8) Respondent shall have the psychotherapist provide quarterly written reports to the Board beginning on February 1, 2010;

(9) Respondent shall go to the Professional Research Center ("PRC") in Kansas for further therapy if that is recommended by RCHP and Respondent's treating psychotherapist. Respondent hereby waives any right to confidentiality she may have with respect to information gathered by the Professional Research Center ("PRC") with regard to the Board's access to PRC information. Respondent hereby authorizes the PRC to release any and all information to the Board;

(10) Respondent shall undergo polygraph examinations every four (4) months that would specifically ask questions regarding similar conduct that is set forth in the NCA that may have occurred since the last polygraph evaluation;

(11) Respondent shall obtain a worksite monitor at each facility where Respondent performs surgery who will provide quarterly reports to RPHC and the Board regarding any behavioral concerns concerning Respondent beginning on February 1, 2010;

(12) All of Respondent's interactions with patients in an office setting will be done in the presence of a chaperone who is over 18 years old;

(13) All of Respondent's interactions with patients at a hospital or surgery center will be done in the presence of a chaperone who is over 18 years old;

(14) On an annual basis, Respondent may request changes to the terms of this Agreed Order beginning in November of 2011; this paragraph does not apply to paragraphs 1 through 3

above;


(15) Respondent shall appear before the Board on a quarterly basis or upon the Board's request;

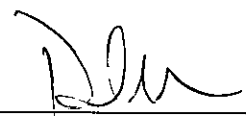
(16) Respondent shall submit quarterly reports to the Board attesting to her compliance with this stipulation;

(17) Respondent shall comply with all federal, state and local laws.

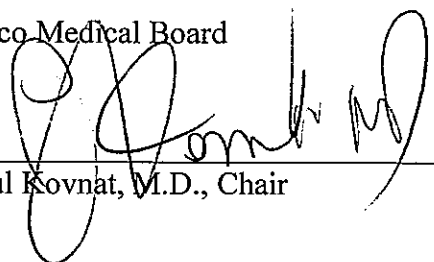
(18) If the Board has reasonable cause to believe that Respondent has violated any of the terms of this stipulation, the Board may immediately and summarily suspend her license to practice as a physician in New Mexico. A breach of any term of this stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, § 61-6-15 (D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through 61-1-33.

DATED: November 12, 2009.

By: 
Twana Sparks, M.D.
Respondent

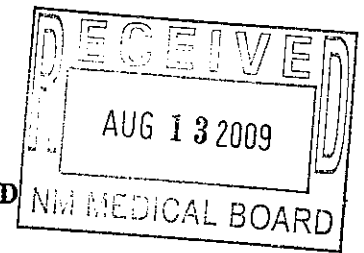
By: 
Deborah A. Solove
Attorney for Respondent

New Mexico Medical Board

By: 
Paul Kovnat, M.D., Chair

BEFORE THE NEW MEXICO MEDICAL BOARD

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)

Twana L. Sparks, M.D.)

License No. 87-386)

Respondent)

No. 2009-011

AGREED INTERIM ORDER

WHEREAS the New Mexico Medical Board ("Board") has issued and served a Notice of Contemplated Action ("NCA") against Respondent Twana L. Sparks, M.D. ("Respondent") and this case is now pending before the Board; and

WHEREAS Respondent is represented by Deborah A. Solove and enters into this Agreed Interim Order after consulting with Ms. Solove; and

WHEREAS Respondent understands that this Agreed Interim Order will be reported to the National Practitioners Data Bank and the Healthcare Integrity and Protection Data Bank; and

WHEREAS Respondent agrees to the entry of this Order; and GOOD CAUSE APPEARING;

IT IS HEREBY ORDERED that until the further Order of the Board, Respondent shall only diagnose and or treat ear, nose and throat conditions of her patients.

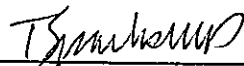
IT IS FURTHER ORDERED that Respondent shall not perform any genital, rectal or breast exams for any reason;


IT IS FURTHER ORDERED that Respondent shall inform patients that they need to be seen by other providers for any other condition that they may have;

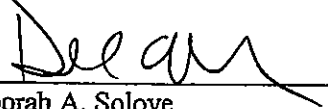
IT IS FURTHER ORDERED that all interactions with patients be done in the presence of a chaperone who is over 18 years old;

IT IS FURTHER ORDERED that in the event Respondent breaches any of the terms of this Agreed Interim Order, the Board may immediately and summarily suspend her license to practice as a physician in New Mexico. A breach of any term of this Agreed Interim Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in Sec. 61-6-15 (D) 29 NMSA 1978. The Board shall within 10 days of a summary suspension issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, Section 61-1-1 through 61-1-33 NMSA 1978;

Dated this 29th July day of August, 2009.


Twana L. Sparks, M.D.
Respondent


Paul J. Kovnat, M.D., Chair
New Mexico Medical Board


Deborah A. Solove
Attorney for Respondent



BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF

Twana Sparks, M.D.

License No. 87-386

Respondent

No. 2009-011

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of §61-1-4 NMSA 1978 of the Uniform Licensing Act (ULA), the New Mexico Medical Board ("Board") has before it sufficient evidence that, if not rebutted or explained, will justify the Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. Respondent is subject to the Board pursuant to the ULA, §61-1-1 et seq. NMSA 1978, and the Medical Practice Act, §61-6-1 et seq. NMSA 1978.

2. This contemplated action is based on the following allegations:

(A) For many years up to and including at least July 17, 2007, Respondent performed genital exams on many of her Ear, Nose and Throat patients while they were under anesthesia without obtaining prior written informed consent from the patients and did not refer to the exams in the patients' hospital records.

This allegation would be unprofessional conduct in that Respondent was required to obtain informed consent for the exams as required by the New Mexico Supreme Court in UJI

13-1109(A) NMRA, and by the American Medical Association's Code of Medical Ethics Section 8.08. The AMA Code of Medical Ethics has been adopted by the Board at 16.10.8.9 NMAC.

This allegation would also be a violation of Sec. 61-6-15(D)33 NMSA 1978, failure to maintain timely and complete medical records.

This allegation would also be a violation of Sec. 61-6-15(D)29 NMSA 1978, conduct unbecoming in a person licensed to practice medicine.

(B) For many years while she was performing Ear, Nose and Throat surgeries at the Gila Regional Medical Center, Respondent wrote messages and created artistic images on the bodies of many of her patients while they were under anesthesia without obtaining the patients' prior written informed consent.

This allegation would be unprofessional conduct in that Respondent was required to obtain informed consent as required by the New Mexico Supreme Court in UJI 13-1109(A) NMRA, and by the American Medical Association's Code of Medical Ethics Section F.08. The AMA Code of Medical Ethics has been adopted by the Board at 16.10.8.9 NMAC.

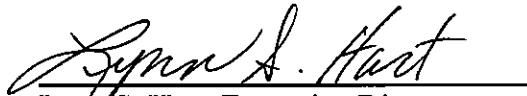
This allegation would also be a violation of Sec. 61-6-15(D)29 NMSA 1978, conduct unbecoming in a person licensed to practice medicine.

Please take notice that pursuant to §61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

Pursuant to §61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefore to the Board or Hearing Officer. The issuance of such subpoenas after commencement of the hearing rests in the discretion of the Board or Hearing Officer.

Dated: April 29, 2009

NEW MEXICO MEDICAL BOARD

A handwritten signature in cursive script, reading "Lynn S. Hart", is written over a horizontal line.

Lynn S. Hart, Executive Director
NM Medical Board
2055 S. Pacheco, Building 400
Santa Fe, New Mexico 87505
(505) 476-7220