

1 **BEFORE THE ARIZONA REGULATORY BOARD**  
2 **OF PHYSICIAN ASSISTANTS**

3 In the Matter of

4 **Brian W. Stark, P.A.**

5 Holder of License No. **5123**  
6 For the Performance of Healthcare Tasks  
7 In the State of Arizona.

Board Case No. PA-13-0053A

**ORDER FOR LETTER OF  
REPRIMAND AND PROBATION AND  
CONSENT TO THE SAME**

8 Brian W. Stark, P.A. ("Respondent") elects to permanently waive any right to a hearing  
9 and appeal with respect to this Order for Letter of Reprimand and Probation; admits the  
10 jurisdiction of the Arizona Regulatory Board of Physician Assistants ("Board"); and consents to  
11 the entry of this Order by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of  
14 physician assistants in the State of Arizona.

15 2. Respondent is the holder of License No. 5123 for the performance of health care  
16 tasks in the State of Arizona.

17 3. The Board initiated case number PA-13-0053A after receiving a complaint  
18 regarding Respondent's care and treatment of a 75 year-old female patient ("CC").

19 4. On July 24, 2013, CC presented to the clinic where Respondent was employed for  
20 evaluation and treatment of joint pain. She was seen by Respondent who diagnosed her with low  
21 back pain and multiple arthralgias. CC was discharged with a prescription for methadone and  
22 hydrocodone. Two days later, CC was found unresponsive and hypoxic by Emergency Medical  
23 Services, with a respiratory rate of 4 bpm. Narcan was administered and CC was evaluated in  
24 the ER. She was admitted to the ICU with a diagnosis of opiate overdose. Subsequent studies  
25 led to the possibility of a non-Q wave myocardial infarction and CC was then subjected to a  
coronary angioplasty.



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a. Continuing Medical Education

Respondent shall within six months of the effective date of this Order complete 15-20 hours of Board Staff pre-approved Category I Continuing Medical Education (CME) in an intensive, in-person opioid prescribing course and provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the annual renewal of licensure.

b. Obey All Laws

Respondent shall obey all state, federal and local laws, all rules governing the performance of health care tasks in Arizona, and remain in full compliance with any court order criminal probation, payments and other orders.

c. Tolling

In the event Respondent should leave Arizona to reside or perform health care tasks outside the State or for any reason should Respondent stop performing health care tasks in Arizona, Respondent shall notify the Executive Director in writing within ten days of departure and return or the dates of non-performance within Arizona. Non-performance is defined as any period of time exceeding thirty days during which Respondent is not engaging in the performance of health care tasks. Periods of temporary or permanent residence or performance of health care tasks outside Arizona or of non-performance of health care tasks within Arizona, will not apply to the reduction of the probationary period.

d. Request for Probation Termination

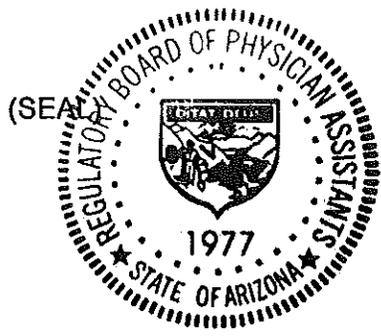
After completion of the CME, Respondent may petition the Board to have the remaining probationary period terminated.

3. This Order is the final disposition of case number PA-13-0053A.

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DATED AND EFFECTIVE this 27<sup>th</sup> day of February 2014.

ARIZONA REGULATORY BOARD OF  
PHYSICIAN ASSISTANTS



By Patricia E. McSorley  
Patricia E. McSorley  
Interim Acting Executive Director

**CONSENT TO ENTRY OF ORDER**

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.
2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.
3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.
4. The Order is not effective until approved by the Board and signed by its Executive Director.
5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other

1 use, such as in the context of another state of federal government regulatory agency proceeding,  
2 civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy thereof) to  
4 the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order.  
5 Respondent may not revoke the consent to the entry of the Order. Respondent may not make  
6 any modifications to the document. Any modifications to this original document are ineffective  
7 and void unless mutually approved by the parties.

8 7. This Order is public record that will be publicly disseminated as a formal  
9 disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and  
10 on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the  
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a defense  
14 that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other  
15 similar defense.

16 10. Any violation of this Consent Agreement constitutes unprofessional conduct and  
17 may result in disciplinary action. A.R.S. § 32-2501(18)(dd) ("[v]iolating a formal order, probation  
18 agreement or stipulation issued or entered into by the board or its executive director") and A.R.S.  
19 § 32-2551.

20 11. Respondent has read and understands the condition of probation.

21   
22 Brian W. Stark, P.A.

DATED: 2/16/14

23 EXECUTED COPY of the foregoing mailed  
24 this 27<sup>th</sup> day of February, 2014 with:

25 Brian W. Stark, P.A.  
(Address of Record)

1 ORIGINAL of the foregoing filed  
this 27<sup>th</sup> day of February, 2014 with:

2  
3 Arizona Regulatory Board of Physician Assistants  
4 9545 E Doubletree Ranch Road  
5 Scottsdale, AZ 85258

6 Mary Weber  
7 Arizona Regulatory Board  
8 of Physician Assistants Staff

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