

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
KENNETH E. SPARR, M.D., :  
RESPONDENT. : ORDER 0001432

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Division of Enforcement Case No. 11MED172

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Kenneth E. Sparr, M.D.  
141 Valle Tell Drive  
New Glarus, WI 53574

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Medical Examining Board  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considered it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kenneth E. Sparr, M.D. (Respondent), date of birth August 9, 1968, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 35645-20. Respondent's license

was first granted July 1, 1994, and expires October 31, 2013. Respondent's specialty is in urology.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 141 Valle Tell Drive, New Glarus, Wisconsin 53574.

3. On June 22, 2000, the Wisconsin Medical Examining Board entered an Order suspending Respondent's license to practice medicine and surgery in the State of Wisconsin for no less than five (5) years. The bases for this discipline were Respondent's addiction to opioids and his prescribing controlled substances for patients which he then diverted for his own use. The suspension was stayed upon the condition of Respondent's continued compliance with the conditions of his Order. These conditions included the following:

- a. Participation in a drug and alcohol treatment program;
- b. Drug and alcohol screening;
- c. A professional mentor; and
- d. Receipt of work reports from his supervisory authority.

4. On May 19, 2010, Respondent was granted reinstatement of full licensure by the Wisconsin Medical Examining Board upon successful completion of the June 2000 order.

5. In a letter dated April 21, 2011, while employed at the Monroe Clinic, Respondent was informed by the supervisory authority that they had received complaints regarding Respondent's conduct in relating to other employees which included what was described as extreme mood swings and loss of emotional control. Respondent was required to participate in a professional assessment. Respondent chose to resign with 90 days notice, declining the assessment.

6. On June 14, 2011, the Monroe Clinic was notified by Wal-Mart Pharmacy in Monroe, Wisconsin that Respondent had prescribed narcotics for a family member. Upon investigation, Monroe Clinic found no patient records for this family member. There were telephone encounter notes indicating Respondent was treating the family member for back pain and a urological problem, but there was no indication of examinations or supporting diagnostic studies. Pharmacy records indicate Respondent prescribed the following:

February 17, 2009	60 hydrocodone/APAP 5-500mg tab
May 2, 2009	30 hydrocodone/APAP 5-500mg tab
August 15, 2009	30 hydrocodone/APAP 5-325mg tab
October 28, 2009	20 oxycodone/APAP 5-325mg tab
October 4, 2010	40 hydrocodone/APAP 5-325mg tab
November 26, 2010	60 alprazolam 0.5mg tab

7. On June 17, 2011, Respondent's former employer, the Monroe Clinic, filed a report with the Department of Health Services (DHS) alleging caregiver misconduct. DHS forwarded the report to the Division of Enforcement for investigation on June 17, 2011. This

report and investigation was based upon the original concern expressed by the Monroe Clinic set forth in paragraph 5, above.

8. On August 22, 2011, in consideration of the proposed assessment by his former employer, Respondent voluntarily submitted to a Dr. K, for evaluation and treatment. Dr. K is a board certified physician with appropriate specialties for Respondent's past and current disciplinary issues. At that time Respondent had been diagnosed by previous providers with conditions which could account for the behavior reported by his former employer. Dr. K additionally diagnosed Respondent with a further condition which Dr. K believes explains, in part, his past and current disciplinary issues.

9. Respondent continues to see Dr. K who has reported improvement in concentration, thought process, organization and fatigue. Dr. K's primary treatment for Respondent includes education and medication management. Respondent is compliant with his prescribed treatment.

10. Respondent also initiated treatment with and continues to see Dr. M, a health care professional, who Respondent has been seeing since March 2008. Respondent self referred and reported symptoms consistent with the behavior reported by his former employer. Dr. M's diagnosis was consistent with the symptoms reported by Respondent and the behavior observed by his former employer. Dr. M was also aware of Respondent's addiction issues. Dr. M provides a cognitive behavioral approach and psychodynamics in his treatment of Respondent and referred Respondent to Dr. K, for medical management.

11. From January 25-27, 2012, Respondent participated in and successfully completed the continuing education course *Prescribing Controlled Drugs: Critical Issues and Common Pitfalls* at the Center for Professional Health at Vanderbilt University School of Medicine. The content of the course included components dealing with improving practice management, proper documentation, dealing with problem patients, exploration of personality traits that influence prescribing practices, and critical issues in pharmacological management of patient complaints. Held in a small group format, the course encourages physicians to look deeply within themselves to determine how their own vulnerabilities may lead to problem prescribing.

12. Respondent has been credentialed to be a staff member of a Wisconsin hospital and health care group. Respondent's credentialing is dependent upon his employment contract which has specific conditions to which Respondent must adhere. The conditions require close supervision which will require the following:

- a. Occasional urine drug screens as directed;
- b. Regular meetings with his psychiatrist and psychologist; and
- c. Regular meetings with the physician who is the Regional Vice President of the health care group.

These conditions have been memorialized as an addendum to his employment contract and will be effective for the life of his employment contract. Respondent's employment start date is

February 29, 2012. A copy of the Employment Contract and Addendum have been provided to the Department of Safety and Professional Services and will be provided to the Department Monitor when this Final Decision and Order is issued by the Board.

13. Respondent's conduct in prescribing controlled substances as set forth in paragraph 6, above, fails to meet the minimum standard in the profession and constitutes unprofessional conduct.

14. From April 22, 2011, Respondent's last day with the Monroe Clinic, until his first patient contact with his current employer on March 5, 2012, Respondent has not practiced medicine and surgery in the State of Wisconsin in any capacity.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set forth in paragraph 13 above is in violation of Wis. Admin. Code § MED 10.02(2) (h) and (p) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Kenneth E. Sparr, M.D. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the license of Kenneth E. Sparr, M.D. is hereby LIMITED for a minimum of one (1) year with the following restrictions:

#### Practice Supervisor

1. Within seven days of the date of this Order, Respondent shall provide a copy of this Final Decision and Order to his supervisory authority at Respondent's current employer. If Respondent changes his practice setting, he shall immediately provide a copy of this Final Decision and Order to his supervisory authority at the new location.

2. Respondent's practice supervisory authority shall submit written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance and shall include any complaints made against Respondent by patients or their family. It is Respondent's responsibility to ensure that the reports are submitted when due. The reports shall specifically address, but not be limited to, the review and appropriateness of Respondent's prescribing practices.

### Continuation of Treatment with Healthcare Providers

3. Within 30 days of the date of this Order, Respondent shall provide proof to the Department Monitor that he has begun or continued treatment with his current healthcare providers or equivalents (Healthcare Providers) approved by the Board or its designee, to address the issues already identified by the Healthcare Providers and that the Healthcare Providers have been provided with a copy of this Final Decision and Order. The treatment shall address Respondent's diagnosed conditions and his continued ability to safely and effectively practice medicine and surgery in the State of Wisconsin with those diagnosed conditions.

a. The Healthcare Providers shall provide quarterly reports to the Department Monitor, which shall state how many sessions have been held that quarter, whether Respondent has been cooperative with treatment and a general description of Respondent's progress toward the goals of treatment.

b. Dr. K and Dr. M, whose identities, qualifications and specialties are known to the Department and the Board are Healthcare Providers approved by the Board for purposes of this Order.

4. As a condition of Respondent's employment contract with his current employer, Respondent shall be required to take part in weekly, random urine drug screens. Respondent shall, by the effective date of this Order, enroll and begin participation in a drug and alcohol monitoring program through his current employer which is approved for purposes of this Order.

a. Failure to comply with all requirements for participation in drug and alcohol monitoring established by his current employer is a substantial violation of this Order.

b. Respondent's current employer shall submit information and reports to the Department Monitor on a quarterly basis as directed by the Department Monitor.

c. Respondent shall insure that all reports are submitted to the Department Monitor when due.

### Professional Mentor

5. Respondent shall obtain a professional mentor to be pre-approved by the Board to mentor Respondent's practice. Respondent has requested, and his current employer has agreed, to provide regular weekly meetings for Respondent with the Surgical Medical Director of his current employer, unless and until less frequent meetings are determined by Respondent's Healthcare Providers to be prudent. Respondent's failure to attend and participate in such meetings will be considered a violation of this Order.

a. The mentor shall submit a written report to the Board on a quarterly basis setting forth his/her observations and findings. If the mentor notes

a significant departure from the accepted standard of care at any time during the mentoring period, the mentor shall notify the Board immediately.

b. The Surgical Medical Director of his current employer is a Professional Mentor approved by the Board. In the event the approved professional mentor is no longer able or willing to serve as professional mentor for Respondent, Respondent shall petition the Board or its designee for substitution of another professional mentor. Pre-approval by the Board of this mentor is required prior to initiating mentoring.

#### Education

6. Respondent shall complete a continuing education course in prescription practices. The Board has determined the course taken by Respondent on January 25-27, 2012 at Vanderbilt University School of Medicine, as set forth in paragraph 11 of the Findings of Fact, satisfies this requirement. Respondent is prohibited from applying the hours of education obtained through completion of the course toward satisfaction of the continuing education required during the November 1, 2011 through October 31, 2013 registration biennium.

#### Required Reporting by Respondent

7. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Healthcare Providers, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months, Respondent shall notify the Department Monitor of Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

8. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

#### Change of Healthcare Provider or Approved Program by Board

9. If the Board or its designee determines the Healthcare Provider or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Healthcare Provider or Approved Program.

#### Petitions for Modification of Limitations or Termination of Order

10. Respondent may petition the Board for modification of the terms of this Order or termination, however, no such petition for modification shall occur earlier than one (1) year from the date of this Order.

IT IS FURTHER ORDERED that should Respondent terminate employment with his current employer, intend to transfer to another employer or intend to begin a solo practice of medicine and surgery in the State of Wisconsin, he shall arrange for continuation of the terms and conditions of this Order under his new employment prior to any such change in employment status. Any change in healthcare providers, treatment and screening providers, practice supervisors, or professional mentors as set forth in this Order must be pre-approved by the Board or its designee.

IT IS FURTHER ORDERED that pursuant to Wis. Stat. § 440.22(2), within six months of the date of this Order, Respondent shall pay to the Department of Safety and Professional Services the costs of this proceeding in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00).

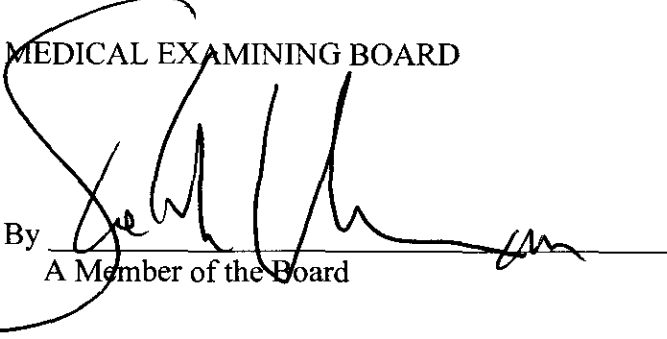
IT IS FURTHER ORDERED that all requests, notices, reports and payments required by this Order shall be provided to:

Department Monitor  
Department of Safety and Professional Services  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

IT IS FURTHER ORDERED that violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (#35645-20) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

This Order shall become effective on the date of its signing.

MEDICAL EXAMINING BOARD

By  \_\_\_\_\_  
A Member of the Board

3/21/12  
Date \_\_\_\_\_