

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NOS. 2016-3071-A, 2016-3483-A, 2016-3527-A, 2016-4273-A, 2016-4381-A, and
2016-5105-A

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF DEBORAH
KAYE PARR, M.D., LICENSE NUMBER DR-47449,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A
("Panel") of the Colorado Medical Board ("Board") and Deborah Kaye Parr, M.D.
("Respondent") (collectively, the "Parties") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on February 26, 2009 and was issued license number DR-47449, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On or about July 19, 2016, the Panel voted to issue an Order of Suspension summarily suspending Respondent's license to practice medicine in the State of Colorado pursuant to Section 24-4-104(4), C.R.S.
4. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case numbers 2016-3071-A, 2016-3483-A, 2016-3527-A, 2016-4273-A, 2016-4381-A, and 2016-5105-A, without the necessity of conducting a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order. Upon the effective date of this Order, the terms of this Order supersede the Order of Suspension and the suspension of Respondent's license is terminated, subject to the terms identified herein.
5. Respondent understands that:

- a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is represented by counsel;
- b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-240-125(4)(c)(V) and 12-240-125(5), C.R.S.;
- c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a formal complaint and disciplinary hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts;
- d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Panel; and
- e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

FACTUAL BASIS

6. Respondent specifically admits and the Panel finds that:
 - a. Respondent is a physician who specializes in psychiatry and addiction psychiatry.
 - b. Between November 2014 and May 2016, Respondent certified several individuals for the use of medical marijuana. Respondent failed to document performance of adequate physical examinations, she maintained cursory medical records, and her documentation frequently failed to demonstrate a clinical justification for her medical marijuana recommendations.
 - c. Respondent recommended amounts of medical marijuana in excess of six plants and two ounces to multiple individuals without a clinical justification.
 - d. In addition to recommending medical marijuana, Respondent treated patients with diagnoses of substances use disorders. In connection with her addiction psychiatry practice, Respondent prescribed high doses of multiple psychiatric medications, including controlled substances, when safer alternatives existed. Respondent also prescribed unsafe combinations of medications and failed to monitor her patients' use of the prescriptions that she provided.
 - e. Respondent failed to address signs of potential misuse or abuse of prescribed medications.

f. Respondent prescribed a controlled substance to a family member on multiple occasions.

g. Respondent's medical records were inadequate. She failed to document prescriptions written to patients, bases for modifications to medications, and complete medical histories.

h. Respondent continued to treat patients in Colorado, including via telemedicine, following the summary suspension of her Colorado medical license.

7. Respondent admits and the Panel finds that the acts and/or omissions described in the factual basis above constitutes unprofessional conduct pursuant to Section 12-240-121(1)(j), (n), (q), (v), (aa), and (dd), C.R.S., which states:

(1) "Unprofessional conduct" as used in this article means:

(j) Any act or omission that fails to meet generally accepted standards of medical practice;

(n) Violation of any valid board order or any rule promulgated by the board in conformance with law;

(q) Prescribing, distributing, or giving to a family member or to oneself except on an emergency basis any controlled substance as defined in section 18-18-204 or as contained in schedule II of 21 U.S.C. sec. 812, as amended;

(v) Falsifying or repeatedly making incorrect essential entries or repeatedly failing to make essential entries on patient records;

(aa) Any act or omission in the practice of telemedicine that fails to meet generally accepted standards of medical practice;

(dd) Failure to comply with the requirements of section 14 of article XVIII of the state constitution, section 25-1.5-106, or the rules promulgated by the state health agency pursuant to section 25-1.5-106 (3);

8. Based upon the above, the Parties stipulate that the terms of this Order are authorized by Section 12-240-125(5)(c)(III), C.R.S.

LETTER OF ADMONITION

9. This provision shall constitute a Letter of Admonition as set forth in Sections 12-240-125(4)(c)(IV) and 12-240-125(5)(c)(III), C.R.S. Respondent is hereby admonished for the acts and omissions described in the factual basis above.

10. By entering this Order, Respondent agrees to waive the rights provided by Section 12-20-404(4), C.R.S., to contest this Letter of Admonition.

PERMANENT MEDICAL MARIJUANA CERTIFICATION RESTRICTION

11. Commencing on the effective date of this Order, Respondent may not perform an assessment of a patient's medical history and current medical condition, including a personal physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana Program. Respondent hereby understands and agrees that she shall not hereafter certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

12. Respondent agrees that the restrictions as set forth in paragraph 11 are permanent and shall continue even after the probationary period is complete.

PERMANENT PRACTICE RESTRICTION – ADDICTION PSYCHIATRY

13. Commencing on the effective date of this Order, Respondent's practice shall be restricted to the practice of addiction psychiatry, which is limited to the treatment of substance use disorders and concomitant psychiatric conditions. Respondent may not treat patients for any physical condition, including chronic or acute pain management. Respondent must refer all patients with physical conditions to other healthcare providers.

14. Respondent agrees that the restrictions as set forth in paragraph 13 are permanent and shall continue even after the probationary period is complete.

PROBATIONARY TERMS

15. Respondent's license to practice medicine is hereby placed on probation for five (5) years commencing on the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

16. During the probationary period, Respondent agrees to be bound by the terms and conditions set forth below.

CPEP EDUCATION PROGRAM

17. Within 30 days of the effective date of this Order, Respondent shall contact the Center for Personalized Education for Physicians (“CPEP”) to schedule a competence assessment (“CPEP Assessment”). Respondent shall complete and review the CPEP Assessment within 120 days of the effective date of this Order.

18. The CPEP Assessment will determine whether CPEP recommends that Respondent undergo any education intervention plan or other remedial education or training program. Hereinafter, the term “Education Program” shall refer to any education intervention plan or other remedial education or training program recommended by CPEP, including the “Post-Education Evaluation” component.

19. If the CPEP Assessment indicates Respondent should undergo an Education Program, Respondent shall enroll in the recommended Education Program within 180 days of the effective date of this Order. If the CPEP Assessment indicates that Respondent need not undergo any Education Program, Respondent shall be deemed to have satisfied fully the CPEP Education Program requirement of this Order.

20. Respondent shall timely commence and successfully complete any CPEP recommended Education Program including the Post-Education Evaluation component, within the time required by CPEP. However, Respondent shall have no more than two years from the effective date of this Order to complete the entire CPEP Education Program unless the Panel determines, in its discretion, that more time is necessary. Any delay in Respondent's completion of the recommended Education Program, including the post-education evaluation, will delay Respondent's successful completion of the probationary period.

21. Respondent understands and acknowledges that in order to complete the Education Program successfully, Respondent must demonstrate to CPEP and the Panel's satisfaction that Respondent has satisfactorily accomplished all CPEP Education Program objectives and has integrated this learning into Respondent's medical practice.

22. Within 30 days of the effective date of this Order, Respondent shall sign any and all releases necessary to allow CPEP to communicate with the Panel. Within 60 days of the effective date of this Order, Respondent shall provide the Panel with a copy of such releases. Respondent shall not revoke such releases prior to successful completion of the probationary period as set forth in this Order. Any failure to execute

such a release, failure to provide copies to the Panel, or any revocation of such a release shall constitute a violation of this Order.

23. Respondent shall provide or cause CPEP to provide a copy of the Assessment Report, Education Plan and any other reports regarding Respondent's participation in the Education Program to the Panel within 30 days of the report's completion.

24. Respondent shall ensure that all reports from CPEP are complete and timely submitted to the Board. Respondent understands that the Board may accept a report, reject a report, refer the matter for additional disciplinary proceedings or take any further action authorized by law.

25. Respondent shall provide the Panel with written proof from CPEP upon successful completion of the recommended Education Program, including successful completion of the Post-Education Evaluation as defined above.

26. The Parties acknowledge that most CPEP Assessments include a computer-based cognitive function screening test. If CPEP determines that Respondent's results on the cognitive function screen suggest the need for further neuropsychological testing, Respondent shall directly notify or ensure that CPEP notifies, the Panel of such a determination. The Panel may, in its discretion, order Respondent to undergo a comprehensive neuropsychological examination with its peer assistance, or other delegated provider, pursuant to an Order or other written instruction of the Panel. Respondent understands and agrees to undergo neuropsychological examination as directed by the Panel.

27. All CPEP recommendations and instructions shall constitute terms of this Order. Respondent shall comply with all CPEP recommendations and instructions within the time periods set out by CPEP and the Panel. Respondent's failure to comply with CPEP recommendations and instructions shall constitute a violation of this Order.

28. The Panel acknowledges that Respondent has successfully completed the CPEP Assessment and has provided the Panel with proof of successful completion. Respondent shall complete the Education Plan, if deemed necessary by CPEP.

PRACTICE MONITORING

29. During the probationary period, a "practice monitor" shall monitor Respondent's medical practice. Within 30 days of the effective date of this Order, Respondent shall nominate, in writing, a proposed practice monitor for the Panel's approval. The nominee shall be a. physician licensed by the Board and currently practicing in Colorado. The nominee shall have no financial interest in Respondent's

practice. The nominee must be knowledgeable in Respondent's area of practice. If Respondent is board certified in an area of practice, it is preferred, but not required, that the nominee be board certified by that same board. If the Respondent has privileges at hospitals, it is preferred, but not required, that the nominee have privileges at as many of those same hospitals as possible. The Board shall not have disciplined the nominee.

30. Respondent's nomination for practice monitor shall set forth how the nominee meets the above criteria. With the written nomination, Respondent shall submit a letter signed by the nominee, as well as a current curriculum vitae of the nominee. The letter from the nominee shall contain a statement from the nominee indicating that the nominee has read this Order and understands and agrees to perform the obligations set forth herein. The nominee must also state that the nominee can be fair and impartial in the review of the Respondent's practice.

31. Upon approval by the Panel, the practice monitor shall perform the following:

a. Each month, the practice monitor shall review a minimum of five patient charts maintained by Respondent. Respondent shall provide the practice monitor with access to her electronic medical records. The practice monitor shall randomly select the charts to review and shall make reasonable efforts to insure that Respondent has no notice of which charts will be selected for review. The practice monitor is authorized to review such other medical records maintained by Respondent as the practice monitor deems appropriate.

b. The practice monitor shall submit quarterly written reports to the Panel.

c. The practice monitor's reports shall include the following:

i. a description of each of the cases reviewed; and

ii. as to each case reviewed, the practice monitor's opinion whether Respondent is practicing medicine in accordance with generally accepted standards of medical practice.

32. Respondent shall ensure that all reports by the practice monitor are complete and timely submitted to the Board. In the event that a practice monitor finds Respondent's care falls below generally accepted standards of medical practice, the Panel shall review the report and determine whether Respondent's action constitutes a violation of this Order and Section 12-240-121(1), C.R.S. If the Panel determines that such a violation occurred, it shall take any additional disciplinary action against

Respondent it deems necessary and appropriate. Respondent understands that the Board may accept or reject a report, as well as refer the matter for additional disciplinary proceedings or take any further action authorized by law.

33. If at any time the practice monitor believes Respondent is not in compliance with this Order, is unable to practice with skill and safety to patients, or has otherwise committed unprofessional conduct as defined in Section 12-240-121(1), C.R.S., the practice monitor shall immediately inform the Panel. Respondent understands that the Board may take any appropriate disciplinary action, including but not limited to, suspension or other emergency action, if the practice monitor's report establishes an appropriate basis.

34. It is the responsibility of Respondent to fully cooperate with the practice monitor and to assure that the practice monitor's reports are timely and complete. Failure of the practice monitor to perform the duties set forth above may result in a notice from Board staff requiring the nomination of a new practice monitor. Upon such notification, Respondent shall nominate a new practice monitor according to the procedure set forth above. Respondent shall nominate the new monitor within 30 days of such notice. Failure to nominate a new monitor within 30 days of such notification shall constitute a violation of this Order.

BENZODIAZEPINE PRESCRIBING COURSE

35. Respondent shall enroll in and successfully complete one continuing medical education course related to prescribing benzodiazepines ("Benzodiazepine Course"). Respondent shall be solely responsible to enroll and pay for the Benzodiazepine Course. Prior to enrolling in the course, Respondent shall submit any information regarding the proposed course to the Board for approval by the Panel. If the Panel does not approve the proposed course, Respondent must select another course for Panel's approval.

36. In order to successfully complete the course, Respondent's participation in the course must be rated as successful, without condition or qualification. The Board in its discretion may impose further remedial coursework if the Respondent receives a conditional pass or negative assessment.

37. Within two years of the effective date of this Order, Respondent shall provide the Panel with written proof of Respondent's successful completion of the pre-approved course.

PROFESSIONAL BOUNDARIES COURSE

38. Within one year of the effective date of this Order, Respondent shall

successfully complete the ProBE Professional/Problem Based Ethics Program ("ProBE") conducted by the Center for Personalized Education for Physicians ("CPEP").

39. Respondent shall sign any and all releases necessary to allow CPEP to communicate with the Panel directly. Respondent shall not revoke such releases. Any failure to execute such a release or any revocation of such a release shall constitute a violation of this Order.

40. In order to successfully complete ProBE, Respondent's participation in the course must be rated as successful, without condition or qualification. The Board in its discretion may impose further remedial coursework if the Respondent receives a conditional pass or negative assessment from CPEP.

41. Respondent shall provide proof of timely and successful completion of ProBE to the Panel within one year of the effective date of this Order.

EARLY TERMINATION OF PRACTICE MONITORING

42. After successful completion of three years of practice monitoring, including successful completion of the CPEP Education Plan, if deemed necessary by CPEP, the Benzodiazepine Course, and ProBE, Respondent may petition the Panel, in writing, for early release from practice monitoring. The parties agree that the Panel's decision regarding such a petition shall be made at the sole discretion of the Panel. Respondent is waiving the right to appeal the Panel's decision on this issue.

TOLLING OF THE PROBATIONARY PERIOD

43. If at any time, Respondent ceases the active clinical practice of medicine, defined for the purposes of this Order as evaluating or treating a minimum of five patients per month, the probationary period shall be tolled for the time the Order is in effect and Respondent is not engaged in the active clinical practice of medicine.

44. Respondent must comply with all other terms of the Order and all other terms of probation. Unless otherwise specified, all terms of the Order and all terms of probation shall remain in effect, regardless of whether the probationary period has been tolled, from the effective date of this Order until probation is terminated. The probationary period shall be tolled for any time that Respondent is not in compliance with any term of this Order.

OUT OF STATE PRACTICE

45. Respondent may wish to leave Colorado and practice in another state. At any time other than during a period of suspension imposed by this Order, and whether to practice out of state or for any other reason, Respondent may request, in writing, that the Board place Respondent's License on inactive status as set forth in Section 12-240-141, C.R.S. Respondent's request to place her license on inactive status must include written evidence that Respondent has reported this Order to all other jurisdictions in which Respondent is licensed, as required by the "Other Terms" Section of this Order. Upon the approval of such request, Respondent may cease to comply with the terms of this Order. Failure to comply with the terms of this Order while inactive shall not constitute a violation of this Order. While inactive, Respondent shall not perform any act in the state of Colorado that constitutes the practice of medicine, nor shall Respondent perform any act in any other jurisdiction pursuant to the authority of a license to practice medicine granted by the state of Colorado. Unless Respondent's License is inactive, Respondent must comply with all terms of this Order, irrespective of Respondent's location. The probationary period will be tolled for any period of time Respondent's License is inactive.

46. Respondent may resume the active practice of medicine at any time pursuant to written request and as set forth in Section 12-240-141(5), C.R.S. With such written request, Respondent shall demonstrate engagement in CPEP activities as required by CPEP and shall nominate any necessary monitor required by CPEP as provided above. Respondent shall be permitted to resume the active practice of medicine only after the approval of the required monitors.

TERMINATION OF PROBATION

47. Upon the expiration of the probationary period and after successful completion of all probationary terms, Respondent may submit a written request for to terminate probation. If Respondent has complied with the requirements set forth in this paragraph and the terms of probation, such release shall be granted by the Panel in the form of a written notice.

OTHER TERMS

48. The terms of this Order were mutually negotiated and determined.

49. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

50. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

51. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

52. Respondent shall submit an update to her profile with the Healthcare Professions Profiling Program regarding this Order within thirty (30) days of the effective date of this Order.

53. During the probationary period or any period in which a physician is subject to prescribing restrictions, no physician shall perform an assessment of a patient's medical history and current medical condition, including a personal physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana Program. Respondent hereby understands and agrees that she shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

54. Respondent shall obey all state and federal laws while the terms of this Order are in effect.

55. So that the Board may notify hospitals of this agreement pursuant to Section 12-240-125(11), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:

56. _____

57. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to Section 12-240-125(5)(c)(III), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in Section 12-240-125(5)(c)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of Section 12-240-121(1)(n), C.R.S.

58. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

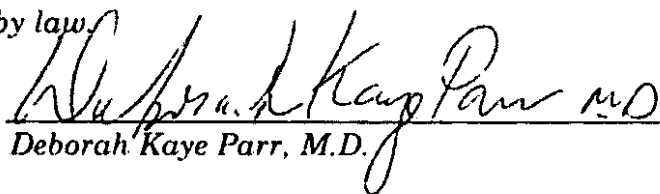
59. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

60. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

61. Respondent acknowledges that the Panel may choose not to accept the terms of this Agreement and that if the Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

62. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

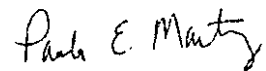
63. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's license. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.


Deborah Kaye Parr, M.D.

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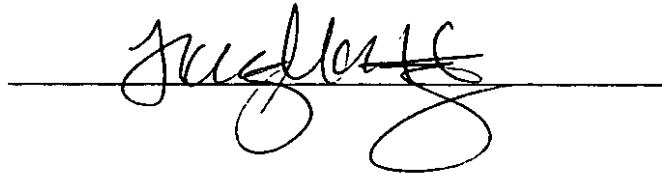
THE FOREGOING Stipulation and Final Agency Order is approved this
10th day of March, 2020.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A



Paula E. Martinez, Program Director
Delegated Authority to Sign by Panel A

THE FOREGOING Stipulation and Final Agency Order is effective upon
service to Respondent, on March 10, 2020.




APPROVED AS TO FORM:

FOR THE RESPONDENT
DEBORAH KAYE PARR, M.D.

FOR THE COLORADO MEDICAL
BOARD

HERSHEY DECKER DRAKE



Carmen N. Decker
10463 Park Meadows Drive, Suite 209
Lone Tree, Colorado 80124
Telephone: (303) 226-1670
FAX: (303) 226-1668
carmen@hersheydecker.com

PHILIP J. WEISER

Attorney General



Sierra R. Ward*
Senior Assistant Attorney General I
Business and Licensing Section
Attorneys for the Colorado Medical Board
Inquiry Panel A
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th Floor
Denver, Colorado 80203
Telephone: (720) 508-6430
FAX: (720) 508-6037
sierra.ward@coag.gov
*Counsel of Record