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BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
ALLEN LYTTON STARK, MD) STIPULATED ORDER
LICENSE NO. MD15722)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Allen Lytton Stark, MD (Licensee) holds an active license to practice medicine in the state of Oregon.

2.

On August 15, 2017, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Complaint) in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a \$10,000 civil penalty per violation, and assessment of costs, pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a), (b) and (c); and ORS 677.190(13) gross or repeated acts of negligence.

3.

The Board opened an investigation and as a result of the investigation the Board alleged that certain acts by Licensee violated the Medical Practice Act. The Board conducted a review of six patient charts, which revealed a pattern of substandard charting and prescribing of benzodiazepines and stimulants, to include patients who were prescribed high dosages of opioids by another provider. Licensee maintained his patients on long term high dosages of benzodiazepines and stimulants without medical justification and without providing his patients an adequate informed consent form that covered the many potential adverse effects and risks

1 associated with these medications. Licensee also failed to recognize or assess his patients when
2 there was evidence of serious complications, such as increased anxiety, panic disorder, short
3 term insomnia, falls, confusion, motor vehicle accidents and somnolence. In many of the cases,
4 Licensee determined that tapering was in order, but did not document a tapering plan and failed
5 to follow through to implement his stated intent. The Board reviewed the investigation and
6 issued a Complaint alleging Licensee's conduct in these cases violated ORS 677.190(1)(a), as
7 defined in ORS 677.188(4)(a), (b) and (c); and ORS 677.190(13). Licensee requested a hearing
8 within the timeframe allotted within the Complaint.

9 4.

10 Licensee and the Board desire to settle this matter by entry of this Stipulated Order.
11 Licensee understands that he has the right to a contested case hearing under the Administrative
12 Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the
13 right to a contested case hearing and any appeal therefrom by the signing of and entry of this
14 Order in the Board's records. Licensee denies that he engaged in the conduct described in
15 paragraph 3 above, but the Board finds that Licensee's conduct as described in the Complaint
16 violated ORS 677.190(1)(a), as defined in ORS 677.188(4)(a), (b) and (c); and ORS
17 677.190(13). Licensee understands that this Order is a public record and is a disciplinary action
18 that is reportable to the National Data Bank and the Federation of State Medical Boards.

19 5.

20 Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order
21 subject to the following terms and conditions:

22 5.1 Licensee is reprimanded.

23 5.2 Licensee must pay a civil penalty of \$5,000 within 12 months from the effective
24 date of this Order. Licensee may make payments as long as no payment excepting the final
25 payment is less than \$100.00.

26 5.3 Licensee must not prescribe benzodiazepines to any patient for more than 21 days
27 in any calendar year. For existing patients who are currently undergoing treatment with

1 benzodiazepines, Licensee must taper the patients off of benzodiazepines or transfer the care of
2 the patients to another provider within 180 days from the effective date of this Order.

3 5.4 Licensee must limit his prescribing of controlled substance stimulants to the
4 diagnosis and treatment of ADD and ADHD¹ with the exception of using methylphenidate as an
5 augmenting medicine in the treatment of depression. If methylphenidate is prescribed as an
6 augmenting medication, a written second opinion must be obtained from a Board certified
7 psychiatrist that supports the treatment, and that opinion must be included in the patient chart.
8 Licensee must not prescribe in excess of 40 mg/day of dextroamphetamine, 70 mg/day of
9 lisdexamfetamine, 60 mg/day of amphetamine/dextroamphetamine, or 60 mg/day of
10 methylphenidate (72 mg/day if Concerta is prescribed). These controlled substances cannot be
11 combined.

12 5.5 Licensee's medical practice is subject to random, no notice chart audits and office
13 visits by Board designees.

14 5.6 Licensee stipulates and agrees that this Order becomes effective the date it is
15 signed by the Board Chair.

16 5.7 Licensee's Corrective Action Agreement, dated April 3, 2014, terminates
17 effective the date the Board Chair signs this Order.

18 5.8 Licensee may make, after two years of demonstrated compliance with the terms
19 of this Order, a written request to modify or terminate the terms of this Order.

20 5.9 Licensee must inform the Compliance Section of the Board of any and all practice
21 sites, as well as any changes in practice address(es), employment, or practice status.
22 Additionally, Licensee must notify the Compliance Section of any changes in contact
23 information within 10 business days.

24 5.10 Licensee must obey all federal and Oregon state laws and regulations pertaining
25 to the practice of medicine.

26
27 ¹ Attention deficit disorder and attention deficit hyperactivity disorder.

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5.11 Licensee stipulates and agrees that any violation of the terms of this Order shall be grounds for further disciplinary action under ORS 677.190(17).

IT IS SO STIPULATED THIS 20th day of March, 2018.



ALLEN LYTTON STARK, MD

IT IS SO ORDERED THIS 5th day of April, 2018.

OREGON MEDICAL BOARD
State of Oregon



K. DEAN GUBLER, DO
BOARD CHAIR