

IN THE MATTER OF	*	BEFORE THE
DONOVAN B. PARKES, M.D.	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
License Number: D34730	*	Case Number: 7721-0077
* * * * *	*	* * * * *

**ORDER AFTER SHOW CAUSE HEARING**

On September 30, 2020, Disciplinary Panel B (“Panel B” or the “Panel”) of the Maryland State Board of Physicians (the “Board”) charged Respondent Donovan B. Parkes, M.D. with violating Health Occ. § 14-404(a)(22) (failure to meet appropriate standards, as determined by appropriate peer review, for the delivery of quality medical care in this State) and § 14-404(a)(40) (failure to keep adequate medical records as determined by appropriate peer review) concerning his opioid prescribing. On December 22, 2020, Panel B and Dr. Parkes entered into a Consent Order under which Dr. Parkes was reprimanded, placed on probation for a minimum period of two years, required to complete two courses (opioid prescribing and record-keeping), and prohibited from prescribing opioids until he completed the course on opioid prescribing. Additionally, under the Consent Order, once Dr. Parkes completed the course on opioid prescribing, the prohibition on opioid prescribing would be terminated and Dr. Parkes was required to be supervised for his opioid prescribing by a physician board-certified in pain medicine. The Consent Order specified the requirements for the supervision.

Dr. Parkes completed the course on opioid prescribing, and, thus, on January 13, 2021, Panel B issued a Termination Order, which terminated the prohibition on opioid prescribing and required that Dr. Parkes’ opioid prescribing be supervised. On August 26, 2022, Panel B issued a Violation of Termination Order and Notice to Show Cause, which alleged that Dr. Parkes was

not in compliance with the terms and conditions of the supervision. There were no material facts in dispute that could not be reasonably be determined through a Show Cause Hearing, thus, on September 28, 2022, a Show Cause Hearing was held before Panel B. At the Show Cause Hearing, Dr. Parkes was represented by legal counsel, and the State was represented by an Assistant Attorney General from the Office of the Attorney General's Health Occupations Prosecution and Litigation Division.

### **FINDINGS OF FACT**

Panel B makes the following findings of fact:

1. At all relevant times, Dr. Parkes has been licensed to practice medicine in Maryland. Dr. Parkes was initially licensed in 1987. Dr. Parkes is currently licensed to practice medicine until September 30, 2023, subject to license renewal.

2. After a complaint to the Board, a Board investigation, and charges, Panel B and Dr. Parkes entered into a Consent Order on December 22, 2020, which resolved the charges. Under the Consent Order, Dr. Parkes was reprimanded, placed on probation for a minimum period of two years, required to complete two courses (opioid prescribing and record-keeping), and prohibited from prescribing opioids until he completed the course on opioid prescribing. Once Dr. Parkes completed the course on opioid prescribing, the prohibition on opioid prescribing would be terminated and Dr. Parkes was required to be supervised for his opioid prescribing by a physician board-certified in pain medicine.

3. Dr. Parkes completed the course on opioid prescribing, and, thus, on January 13, 2021, Panel B issued the Termination Order, which terminated the prohibition on opioid prescribing and required that Dr. Parkes' opioid prescribing be supervised.

4. The Termination Order, in pertinent part, contains the following probationary terms and conditions:

(2) The Respondent [Dr. Parkes] shall be subject to supervision for opioid prescribing by a disciplinary panel-approved supervisor who is board-certified in pain medicine as follows:

...

g. the Respondent shall grant the supervisor access to patient records selected by the supervisor from a list of all patients, which shall, to the extent practicable, focus on the type of treatment at issue in the Respondent's charges;

...

i. it shall be the Respondent's responsibility to ensure the supervisor:

1. reviews the records of seven (7) patients each month, such patient records to be chosen by the supervisor and not the Respondent;

2. meets in-person with the Respondent at least once each month and discusses in-person with the Respondent the care that the Respondent has provided for these specific patients;

...

5. provides the Board with quarterly reports which detail the quality of the Respondent's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care[.]

5. The Termination Order further states:

**ORDERED** that if the Respondent allegedly fails to comply with any term or condition imposed by this Termination Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel before a disciplinary panel; and if there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

**ORDERED** that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this [Termination] Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland.

6. On February 24, 2021, the Panel approved Dr. Parkes' proposed supervisor ("Supervisor A") and notified Dr. Parkes that the Supervisor A's first quarterly report was due by June 15, 2021.

7. On September 21, 2021, the Board notified the Dr. Parkes that it had not received two quarterly reports from Supervisor A that were due at the time. The Board requested that the reports be submitted to the Board by September 29, 2021.

8. On September 30, 2021, the Board received one report from Supervisor A. The report did not contain reviews for the required number of patients nor did it contain information regarding the dates that the patients' records had been reviewed by Supervisor A. The Board requested that the report be revised to include the information and submitted along with the missing report.

9. On November 8, 2021, Dr. Parkes, through counsel, advised the Board that he was having difficulty contacting Supervisor A and requested an extension for the submission of the reports. The extension was granted.

10. On November 10, 2021, Dr. Parkes requested that another supervisor be substituted for Supervisor A.

11. On December 16, 2021, the Board notified Dr. Parkes that his proposed new supervisor ("Supervisor B") was approved. The Board also notified Dr. Parkes that Supervisor B's first quarterly report was due by April 15, 2022.

12. On March 22, 2022, Supervisor B emailed the Board stating that Dr. Parkes had cancelled his meeting with Supervisor B because Dr. Parkes had to undergo a medical procedure.

13. On May 16, 2022, the Board emailed Dr. Parkes stating that the Board had not yet received a satisfactory supervisory report from either of the supervisors.

14. On May 25, 2022, Supervisor B notified the Board that he had only met with Dr. Parkes once, on February 3, 2022, and had not heard from him since Dr. Parkes had cancelled the scheduled March 2022 meeting.

15. On May 26, 2022, the Board sent Dr. Parkes a letter making clear that he was required to be supervised by a panel-approved supervisor and that he was to have monthly meetings with the supervisor. In addition, the Board informed Dr. Parkes that he was responsible for his supervisor to submit quarterly supervisory reports to the Board detailing the treatment Dr. Parkes was providing and his documentation.

16. On May 31, 2022, Dr. Parkes sent a letter to the Board in response to the Board's request for written response regarding his failure to meet with Supervisor B. In the letter, Dr. Parkes explained that he had stopped working on March 15, 2022, related to medical procedures he underwent. Dr. Parkes said that he resumed working on May 16, 2022.

17. On July 22, 2022, Supervisor B provided the Board with reports dated February 3, 2022; June 16, 2022; and July 21, 2022. The reports indicated that Supervisor B met with Dr. Parkes in-person and that Dr. Parkes brought various records to each meeting for Supervisor B's review. The report indicated that Dr. Parkes' care of his patients had been appropriate.

## **DISCUSSION**

After the Consent Order was issued, Dr. Parkes completed the required opioid prescribing course in a timely manner. The Termination Order was thus issued. Under the Termination

Order, Dr. Parkes was required to meet with a supervisor on a monthly basis and was responsible for ensuring that the supervisor reviewed the records of seven patients each month and for the supervisor submitting quarterly reports to the Board. The Panel approved Dr. Parkes' supervisor on February 24, 2021. But it was not until July 22, 2022, that the Panel received a supervisory report that was within range of what the Panel expected.

Panel B understands that the problems Dr. Parkes had with complying with the supervisory requirements were not entirely within his control. Some of the fault lies with Supervisor A, and the Panel does not hold against Dr. Parkes the time period in which his personal medical issues interfered with the supervisory requirements. However, the Panel does find that Dr. Parkes could have taken much more initiative in trying to comply with the Termination Order. The supervisory requirements were necessary to ensure that his opioid prescribing was performed safely. Dr. Parkes was simply too cavalier in his approach to the supervisory requirements, resulting in significant breaches of the Termination Order.

### **CONCLUSIONS OF LAW**

Panel B concludes that Dr. Parkes failed to comply with the supervision probationary terms and conditions sections (2)(i)1, (2)(i)2, and (2)(i)5 of the Termination Order issued on January 13, 2021.

### **ORDER**

It is, by Panel B, hereby

**ORDERED** that Dr. Parkes is **REPRIMANDED**; and it is further

**ORDERED** that the probation ordered pursuant to the Termination Order, issued January 13, 2021, concerning Dr. Parkes, is terminated, as the probation is superseded by this Order after Show Cause Hearing; and it is further

**ORDERED** that Dr. Parkes is placed on **PROBATION** until the Board receives **four** satisfactory quarterly supervisory reports after the date of this Order after Show Cause Hearing.<sup>1</sup> Dr. Parkes is, thus, on **PROBATION** for a minimum period of **ONE YEAR** from the date of this Order after Show Cause Hearing. During probation, Dr. Parkes shall comply with the following terms and conditions of probation:

(1) Dr. Parkes shall be supervised for opioid prescribing by a panel-approved supervisor who is board-certified in pain medicine as follows<sup>2</sup>:

(a) Dr. Parkes shall grant the supervisor access to patient records selected by the supervisor selected from a list of all patients who are being prescribed opioids by Dr. Parkes;

(b) it is Dr. Parkes responsibility to ensure that the supervisor:

1. reviews the records of **seven** patients each month, such patient records shall be chosen by the supervisor and not by Dr. Parkes;<sup>3</sup>
2. meets in-person with Dr. Parkes at least once each month and discuss in-person with Dr. Parkes the care and treatment Dr. Parkes has provided by these specific patients;
3. be available to Dr. Parkes for consultations on any patient;
4. maintains confidentiality of all medical records and patient information;
5. provides the Board with **quarterly** reports which detail the quality of Dr. Parkes' practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patients care; and
6. immediately reports to the Board any indication that Dr. Parkes may pose a substantial risk to patients;

(c) Dr. Parkes shall follow any recommendations of the supervisor;

(d) if the Panel, upon consideration of the supervisory reports and Dr Parkes' response, if any, has a reasonable basis to believe that Dr. Parkes is not meeting

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<sup>1</sup> If Dr. Parkes' license to practice medicine expires and is not renewed while he is on probation, the probation period and probationary conditions will be tolled.

<sup>2</sup> It is the Panel's understanding that, as of the date of this order, Dr. Parkes is being supervised by Supervisor B. Dr. Parkes does not need to resubmit Supervisor B's credentials to the Panel. The Panel's approval of Supervisor B continues under this order.

<sup>3</sup> If there are not the requisite number of patients being prescribed opioids by Dr. Parkes during a month, the supervisor must note that in the quarterly report.

the standard of quality medical care or failing to keep adequate medical records in his practice, the Panel may find a violation of probation after the opportunity for a hearing;

(e) if the supervisor for any reason ceases to provide supervision, the Respondent shall immediately notify the Board and Dr. Parkes' license shall be immediately suspended after the 30<sup>th</sup> day after the supervisor has ceased to provide supervision and until Dr. Parkes has submitted the name and professional background, and written notice of confirmation from a proposed replacement supervisor to the disciplinary panel. Further

1. the proposed supervisor, to the best of Dr. Parkes' knowledge, shall not be an individual who is currently under investigation by the Board and who has not been disciplined by the Board within the past five years;
2. the Panel, in its discretion, may accept the proposed supervisor or request that Dr. Parkes submit a name and professional background and written notice of confirmation from a different proposed supervisor; and

- (2) Dr. Parkes shall promptly provide his supervisor with a copy of this Order after Show Cause Hearing;
- (3) A violation of probation constitutes a violation of this Order after Show Cause Hearing; and
- (4) Dr. Parkes is responsible for the costs incurred in complying with this Order after Show Hearing; and it is further

**ORDERED** that after Dr. Parkes has complied with all terms and conditions of probation and the minimum period of probation imposed by this order has passed, Dr. Parkes may submit a petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the Panel. The Panel may require Dr. Parkes to appear before the Panel to discuss his petition for termination of probation. The Panel may grant the petition to terminate probation through an order of the Panel if there are no pending complaints related to the charges; and it is further

**ORDERED** that Dr. Parkes may not apply for early termination of probation; and it is further



**ORDERED** that, if Dr. Parkes allegedly fails to comply with any term or condition imposed by this Order after Show Cause Hearing, Dr. Parkes shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exception process before a disciplinary panel; and if there is no genuine dispute as to a material fact, Dr. Parkes shall be given a show cause hearing before a disciplinary panel; and it is further

**ORDERED** that, after the appropriate hearing, if the disciplinary panel determines that Dr. Parkes has failed to comply with any term or condition imposed by this Order after Show Cause Hearing, the disciplinary panel may reprimand Dr. Parkes, place Dr. Parkes on probation with appropriate terms and conditions, and/or suspend or revoke Dr. Parkes' license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on Dr. Parkes; and it is further

**ORDERED** that this Order after Show Cause Hearing goes into effect on the date this Order after Show Cause Hearing is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs this Order after Show Cause Order on behalf of Panel B; and it is further

**ORDERED** that this Order after Show Cause Hearing is a public document.

11/09/2022  
Date

***Signature On File***

Christine A. Farrelly, Executive Director  
Maryland State Board of Physicians