

IN THE MATTER OF
THE LICENSE OF
WILLIAM L. COWDEN, M.D.

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 8th day of February, 2002, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session, the matter of the license of William L. Cowden, M.D. ("Respondent"). On November 16, 2001, Respondent appeared in person, with counsel Richard Jaffe, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board. Board staff was represented by Mari Robinson.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by David Garza, D.O. and Larry Price, D.O., members of the Board. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, William L. Cowden, M.D., holds Texas medical license F-1483.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice that may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Subtitle B (Vernon 2000) (hereinafter the "Act").
3. By entering into this agreed order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act, TEX. GOV'T CODE ANN. §§2001.051 - .054, and the Rules of the State Board of Medical Examiners (22 Tex. Admin. Code Chapter 187).
4. Respondent is a 49-year-old solo practitioner in the area of Alternative/Complementary Medicine, and sees about 10-15 patients a week.

5. Respondent began treating the Patient K.F. in May 1998. The patient was seeking “education and advice about alternative and integrative medicine for her health conditions”, and her initial concerns included body aches, infertility, allergies, thinning hair, a vaginal cyst, silicone toxicity and hoarse voice, as well as spiritual and emotional issues. Respondent originally noted nutritional deficiencies, mercury toxicity, parasitic illness, and sinus problems. Respondent provided treatment using various forms of alternative and/or integrative medicine including empiric herbal therapy, large numbers of supplements, repeated doses of anti-parasitic medications, black walnut, amoebatox, DMSA.

6. Respondent began treating Patient R.T. in April 1997, and reportedly assumed the role of educator and advisor regarding the various diagnostic and therapeutic interventions offered to her. Patient’s initial concerns included chest pain and right upper face pain; but she was also treated by Respondent at various times for pelvic pain, dental pain, mercury toxicity, bone pain, headache, photophobia, neck stiffness, nausea, vomiting, fever, as well as other complaints. Respondent noted B12 and magnesium deficiencies, as well as parasites, and gave patient trigger point therapy as well as supplements. He also treated this patient with lobelia, Compazine, vitamin C, magnesium, electrobloc, VCF, and other therapies.

7. Respondent began treating Patient D.P. on February 23, 2000. Patient was complaining of chronic fatigue, headaches, inhalant and food allergies, brain fog, uncontrollable muscular twitches, tenseness of several muscles, impaired sleep, ringing in the ears and nearsightedness. Patient’s exam was remarkable for raised scars on his right upper arm and his left foot, as well as spasm of the muscles in the face, neck, arms, and legs. Respondent treated this patient with extensive nutritional counseling, and 1% local Lidocaine anesthesia was empirically injected into the scars on the dorsum of the patient’s left foot and the right upper arm to determine if any adverse health affect was arising from the scars. Later the Respondent treated patient’s symptoms with a magnesium chloride injection IM, Yodoxin for presumed parasitism, herbal combinations empirically for the presumed residual parasite problem, a modified nutritional supplement regimen, and a referral to the dentist to try to get a maloccluded tooth adjusted.

8. Throughout the treatment of the above patients, the Respondent failed to maintain adequate medical records for the patients, as well as failed to obtain written consent for the various treatments given to the patients.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. Section 164.051 (a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of a prohibited act(s) or practice(s).
2. Respondent is subject to disciplinary action pursuant to Section 164.051(a)(3) of the Act by committing a direct or indirect violation of a rule adopted under this Act, either as a principal, accessory, or accomplice; to wit Board Rules 165.1 and 200.3(1) & (4).
3. Section 164.002(a) of the Act authorizes the Board to resolve and make disposition of this matter through an Agreed Order.
4. Sections 164.001(a)(1) and 164.001(b)(3) of the Act authorize the Board to suspend Respondent's license.
5. Section 164.101 of the Act authorizes the Board to probate an order revoking, canceling, or suspending a license.
6. Sections 165.001 and 165.003 of the Act authorize the Board to impose a monetary administrative penalty not to exceed five thousand dollars (\$5,000.00) for each separate violation of the Act or Board rule by a person licensed or regulated under the Act.
7. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for the purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent's Texas license is hereby SUSPENDED; however, the suspension is STAYED and Respondent is placed on PROBATION under the following terms and conditions for three (3) years from the date of the signing of this Order by the presiding officer of the Board:

1. Beginning no later than sixty (60) days from the effective date of this Order, Respondent's medical practice, including any office and surgical practice, shall be monitored by a licensed Texas physician who is approved in advance in writing by the Executive Director of the Board based on the monitoring physician's licensure status and history, general qualifications, area of specialty, business affiliation with Respondent, and specialty certifications and training. To request approval of a monitoring physician, Respondent shall submit in writing to the Director of Compliance of the Board the names and practice addresses of at least three

physicians who are willing and able to effectively monitor Respondent's office and surgical practice. Respondent shall provide a copy of this Order to the monitoring physician and shall allow the monitoring physician access to Respondent's patient medical records, patient billing records, and offices.

The monitoring physician shall include but not be limited to the following activities as part of the monitoring process:

- a) On-site inspection of Respondent's medical practice no less than one time each month.
- b) Personal review of no less than 10% of the charts of patients seen during the current review period.
- c) Personal counseling of the Respondent of any perceived deficiencies.
- d) The monitoring physician shall provide quarterly reports to Board representative through the Director of Compliance for the Board on March 15, June 15, September 15, and December 15, and at other times upon the request of the Board representatives or Board staff. The report shall fully document the monitoring performed, any perceived deficiencies discussed with Respondent and any improvements observed.

Respondent shall follow the appropriate guidance provided by the monitoring physician. Any costs incurred by the monitoring physician shall be the responsibility of Respondent and shall not be charged to patients.

The monitoring physician may be changed at any time by the Executive Director of the Board based upon good cause.

2. Respondent shall attend at least ten (10) hours of Continuing Medical Education (CME) approved for Category I credits by the American Medical Association or by the American Osteopathic Association in the areas of Risk Management and Record Keeping. Upon request Respondent shall submit to the Board proof of the prior year's CME attendance by the Order's anniversary date. Upon request Respondent shall submit proof to the Board of CME hours attended in the current year even though such may not meet the 10-hour requirement. A copy of the attendance certificate issued or a detailed report which can be readily verified by the Board shall satisfy this requirement.

3. Respondent shall pay an administrative penalty in the amount of two thousand and five hundred dollars (\$2500.00) within ninety (90) days of the signing of this Order by the presiding officer of the Board.

4. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund.

5. Respondent's failure to pay the administrative penalty as ordered shall constitute unprofessional and dishonorable conduct that is likely to deceive or defraud the public and shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

6. Respondent shall personally appear before a panel of Board representatives, at least two (2) times each year that Respondent is under the terms and conditions of this Order, unless such appearances are waived by the Director of Compliance of the Board. Such appearances shall be for the purpose of reporting on and addressing issues related to Respondent's compliance with the terms and conditions of this Order.

7. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Order, Respondent shall fully cooperate with the Board and the Board staff, including but not limited to, Board attorneys, investigators, compliance officers, consultants, and other such employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to cooperate as required by this paragraph and the terms of this Order shall constitute a basis for disciplinary action against Respondent pursuant to the Act.

8. Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, applies for privileges, or otherwise practices.

9. Respondent shall ensure that any inquiries which are made by any person or entity through any means to Respondent or Respondent's employees regarding Respondent's Texas licensure status are answered by accurate reference to this Order. Upon request by any person or

entity, either orally or in writing, Respondent shall provide a complete and legible copy of this Order to the requesting party within ten (10) calendar days of the request.

10. The time period of this Order shall be extended for any period of time in which Respondent subsequently resides or practices outside the State of Texas, is in official retired status with the Board, or for any period during which Respondent's license is subsequently cancelled for nonpayment of licensure fees. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas or Respondent's relicensure, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order when Respondent left practice in Texas, retired, or had his or her license cancelled for nonpayment of licensure fees and shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

11. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

12. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the change of address. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

13. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

14. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12 month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or termination may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS IS A PUBLIC RECORD.

I, WILLIAM L. COWDEN, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: JANUARY 29, 2002.

William L. Cowden, M.D.
WILLIAM L. COWDEN, M.D.
RESPONDENT

STATE OF Texas
COUNTY OF Tarrant

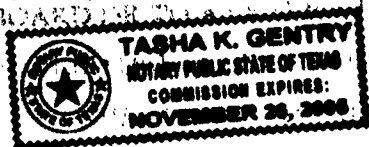
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BEFORE ME, the undersigned Notary Public, on this day personally appeared WILLIAM L. COWDEN, M.D., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 29 day of January, 2002.

Tasha K. Gentry
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical
Examiners on this 8th day of February, 2002.



Lee S. Anderson, M.D.

President, Texas State Board of Medical Examiners