

F-1483

IN THE MATTER OF) (BEFORE THE
) (
THE LICENSE OF) (TEXAS STATE BOARD
) (
WILLIAM L. COWDEN, M.D.) (OF MEDICAL EXAMINERS

AGREED ORDER

On this the 6 day of January, 199~~4~~⁵, 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 October 13, 1994, Respondent appeared in person with counsel, Michael Sharp and Christopher Sharp, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by R. Russell Thomas, Jr., D.O., a member of the Board, and Carolyn Moorhouse, a district review committee member. 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. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. Respondent is certified by the American Board of Medical Specialties in internal medicine and cardiology.
4. Respondent has been in the practice of medicine in Texas for approximately sixteen (16) years.

5. On four occasions during 1992, Respondent administered an injection of a substance under development in England to patient K.C. without knowing the various components, side effects, toxicity or contraindications of the substance which was administered.

6. Patient K.C. suffered from Hodgkin's disease and consented to the administration of the substance for palliation of symptoms and not as a curative treatment.

7. The substance administered to K.C. was not FDA approved; however, Respondent reported that animal studies in England showed no side effects at the concentration administered to K.C., but was unable to provide supporting documentation.

8. During 1991 and 1992, Respondent prescribed Cytomel to patient C.Y. without appropriate indication or documentation of hypothyroidism.

9. Respondent neither admits nor denies that the allegations are true as alleged or that the allegations support a violation of the Medical Practice Act("the Act"), V.A.C.S., article 4495b; however, Respondent agrees to comply with the terms and conditions set forth herein.

CONCLUSIONS OF LAW

1. Respondent has violated Section 3.08(4)(E) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.

2. Respondent has violated Section 3.08(18) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's professional failure to practice medicine in an acceptable manner consistent with public health and welfare.

3. Section 4.02(h) of the Act authorizes the Board to resolve and make a disposition of this matter through an agreed order.

4. Section 4.02(i) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Civil Evidence for purposes of civil litigation.

5. Section 4.12 of the Act authorizes the Board to take action in regard to Respondent and Respondent's medical license as set forth below.

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's Texas medical license is hereby RESTRICTED under the following terms and conditions for two (2) years from the date of the signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall obtain at least fifty (50) hours per year of Continuing Medical Education (CME) approved for Category I credits by the American Medical Association or by the American Osteopathic Association including at least one course per year in pharmacology and endocrinology. Each year Respondent shall submit to the Board proof of the prior year's CME attendance by the Order's anniversary date. Respondent shall submit proof to the Board of CME hours attended in the current year even though such may not meet the 50 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.
2. Respondent shall not prescribe, administer or dispense any drugs not approved by the FDA or approved under the Texas Food Drug and Cosmetic Act, Tex. Health and Safety Code Ann. 431.001 et. seq. (Vernon 1992).
3. Entry by the Board of this Agreed Order shall constitute a PUBLIC REPRIMAND.

4. Respondent shall personally appear before the Board, a committee of the Board, or a panel of Board representatives, at least one (1) time each year that Respondent is under the terms and conditions of this Agreed Order. 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 Agreed Order.
5. Respondent shall personally appear before the Board, a committee of the Board, or panel of Board representatives, upon written request mailed to Respondent's last known address on file with the Board at least ten (10) calendar days before the requested appearance date. 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 Agreed Order.
6. To verify that Respondent has complied with and is in compliance with the terms and conditions of this Agreed 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 Agreed Order. Failure to cooperate as required by this paragraph and the terms of this Agreed Order shall constitute a basis for disciplinary action against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act.
7. Respondent shall give a copy of this Agreed Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, or applies for privileges.

8. 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 medical licensure status are answered by accurate reference to this Agreed Order.
9. Upon request by any person or entity, either orally or in writing, Respondent shall provide a complete and legible copy of this Agreed 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 medicine 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 medicine 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 the practice of medicine in Texas, retired, or had his license cancelled for nonpayment of licensure fees.
11. Respondent shall comply with all the provisions of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.
12. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days

of the address change. This information shall be submitted to the Verification Department and the Director of Hearings 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 Sections 3.08, 4.01, and 4.11 of the Act.

13. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute a basis for disciplinary action by the Board against Respondent pursuant to Sections 3.08, 4.01, and 4.11 of the Act. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute evidence of unprofessional or dishonorable conduct likely to deceive or defraud the public or injure the public.
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. Petitions for modifying or terminating 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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER 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: NOV. 28th, 1994

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

STATE OF Texas

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COUNTY OF Dallas

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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 28th day of November, 1994.

(Notary Seal)



Jacky Caruso
Signature of Notary Public

JACKY CARUSO
Printed or typed name of Notary Public

My commission expires: 2-6-98

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 6 day of January, 1994.

John M. Lewis, M.D.
John M. Lewis, M.D.
President, Texas State Board of
Medical Examiners