

Texas Medical Board

Complete Board Action History

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This page lists all board actions for this individual regardless of license.

DATE: 12/26/2025

NAME: MARY TALLEY BOWDEN

TMB Actions

The Texas Medical Board has the following board actions against this individual. (This may include any formal complaints filed by TMB, as well as petitions and/or responses related to licensure contested matters, at the State Office of Administrative Hearings.)

Action Date: 10/17/2025

Description: ON OCTOBER 17, 2025, DR. MARY TALLEY BOWDEN WAS ISSUED A PUBLIC REPRIMAND. ON DECEMBER 12, 2025, THE BOARD CONSIDERED AND DENIED DR. BOWDEN'S REQUEST FOR REHEARING. ACCORDINGLY, THE ORDER DATED OCTOBER 17, 2025, IS FINAL.

Action Date: 03/15/2024

Description: ON MARCH 15, 2024, A FIRST AMENDED COMPLAINT WAS FILED BY THE BOARD.

Action Date: 04/25/2023

Description: ON APRIL 25, 2023, A FORMAL COMPLAINT WAS FILED BY THE BOARD.

**HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-23-17769.MD
TEXAS MEDICAL LICENSE NO. K9770**

**IN THE MATTER OF THE
COMPLAINT AGAINST**

MARY TALLEY BOWDEN, MD

BEFORE THE

TEXAS MEDICAL BOARD

FINAL ORDER

During an open meeting at Austin, Texas, the Texas Medical Board (Board) finds that the above-styled case was assigned to and presided over by the Honorable Administrative Law Judges (ALJs) Rachelle Nicolette Robles and Linda J. Burgess of the State Office of Administrative Hearings (SOAH). On March 12, 2025, the ALJs granted in part and denied in part Board Staff's Second Motion for Partial Summary Disposition. The ALJs granted summary disposition in favor of Board Staff on its claim brought under § 164.052(a)(5) of the Texas Medical Practice Act (Act).

On April 28, 2025, the ALJs convened a hearing to take evidence on aggravating and mitigating factors that may affect what sanctions, if any, the Board is to impose. On August 7, 2025, the ALJs issued the Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law. The PFD was properly served on all Parties. On August 22, 2025, the Parties each filed exceptions to the PFD. On September 8, 2025, Board Staff filed replies to exceptions. Respondent did not file any replies to exceptions. On September 18, 2025, the ALJs issued an exceptions letter recommending no changes to the PFD.

The Board, after review and due consideration of the PFD, adopts the Findings of Fact and Conclusions of Law of the ALJs.

FINDINGS OF FACT

1. Mary Talley Bowden (Respondent) is a physician licensed by the Texas Medical Board (Board) holding Texas Medical License No. K-9770, which was originally issued on May 19, 2000.
2. Respondent was board certified in Otolaryngology (ear, nose, and throat) in May 2004 and Sleep Medicine in January 2010 by the American Board of Otolaryngology—Head and

Neck Surgery. Respondent is not meeting the continuing certification requirements of her American Board of Otolaryngology—Head and Neck Surgery certification.

3. After filing its Complaint against Respondent in April 2023, staff (Staff) of the Board referred this matter to the State Office of Administrative Hearings (SOAH) for a contested case hearing. The case was set for a four-day hearing to convene on April 29-May 3, 2024. A week before the hearing, Respondent requested a continuance of the hearing, which was granted. The case was then set to convene on October 21-25, 2024, dates agreed to by the parties. Before the October 2024 setting, Staff requested a continuance of the hearing, which was granted. The case was then reset to convene on April 28-May 2, 2025.
4. On December 12, 2024, Staff filed a Second Motion for Partial Summary Disposition with supporting evidence. On January 13, 2025, Staff filed its notice of supplemental filing of corrected exhibit (Staff Ex. 3) to its Second Motion for Partial Summary Disposition. By Order dated January 15, 2025, the Administrative Law Judges denied Respondent's request to strike Staff's January 13, 2025 supplemental filing.
5. Respondent filed a Response to the Second Motion for Partial Summary Disposition with opposing evidence on December 30, 2024. Then, on January 28, 2025, Respondent filed a Supplemental Response with additional opposing evidence. Staff filed its Reply to Respondent's Supplemental Response on February 3, 2025.
6. On March 12, 2025, the Administrative Law Judges (ALJs) granted in part and denied in part Staff's Second Motion for Partial Summary Disposition. The ALJs granted summary disposition in favor of Staff on its § 164.052(a)(5) of the Texas Medical Practice Act (Act) claim. Accordingly, the ALJs determined that Respondent may be subject to discipline under § 164.051(a)(1) of the Act, which authorizes the Board to take disciplinary action against a person for committing an act prohibited under § 164.052 of the Act.
7. On April 21, 2025, a prehearing conference convened. At that time, Staff announced that Staff would not be pursuing at hearing the two remaining claims—§§ 164.05(a)(6) and (a)(7)¹—pleaded against Respondent in Staff's Second Amended Complaint. The April 28, 2025 hearing proceeded with the ALJs taking evidence on aggravating and mitigating factors that may affect what sanctions, if any, the Board is to impose for Respondent's violation of § 164.052(a) of the Act as found by the ALJs.
8. Respondent was notified of the time, place, and nature of the hearing, including a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted.
9. The April 28, 2025 hearing was held before ALJs Linda J. Burgess and Rachelle Nicolette Robles, via Zoom videoconferencing. Attorneys Amy Swanholm and Meredith Massey represented Staff. Attorneys Michael Barnhart and Steven Mitby represented Respondent.

¹ Texas Medical Practice Act, Tex. Occ. Code title 3, subtitle B.

10. The record closed on June 9, 2025, upon the filing of written closing arguments.
11. JJ (hereafter, Patient) tested positive for COVID-19 on September 23, 2021; and, five days later, was admitted to Texas Health Huguley Hospital Fort Worth South (Huguley Hospital).
12. On October 7, 2021, Patient was placed on a ventilator and moved to Huguley Hospital's intensive care unit (ICU) in a medically induced coma.
13. Respondent became aware of Patient's situation when Patient's wife contacted Respondent. The two—Patient's wife and Respondent—conducted a telehealth visit. After discussing Patient's condition with Patient's wife, Respondent, on October 22, 2021, prescribed Ivermectin to Patient.
14. Patient's wife then sued Huguley Hospital seeking injunctive relief to require Huguley Hospital and its medical staff to administer Ivermectin to her husband.
15. On October 26, 2021, Patient's wife obtained an *ex parte* temporary restraining order requiring Huguley Hospital to administer the drug to Patient.
16. Claiming that the temporary restraining order was void, Huguley Hospital filed a petition for writ of mandamus in the Court of Appeals Second Appellate District of Texas (Court of Appeals).
17. Before the Court of Appeals ruled on the mandamus petition, Patient's wife agreed to dissolve the *ex parte* temporary restraining order and to proceed to an evidentiary hearing on her motion for a temporary injunction.
18. On November 1 and 2, 2021, the trial court held a hearing on the temporary injunction request. Respondent testified at the hearing, acknowledging:
 - She had only spoken to Patient's wife and had not examined Patient or requested or reviewed his medical records.
 - She did not know whether Patient still had COVID-19.
 - She did not have, and had not applied for, privileges at Huguley Hospital, nor did she have a nurse who could operate under her medical license.
 - She had never been allowed to practice medicine in a hospital without the hospital undertaking a credentialing process and granting her privileges to practice medicine inside the hospital.

19. On November 8, 2021, the trial court signed a Temporary Injunction Order, which:
- ORDERED, that . . . [Huguley Hospital] shall grant Dr. Mary Talley Bowden, M.D. and/or her nurse working under her authority, temporary emergency privileges, which shall not be unreasonably delayed or denied, solely to administer Ivermectin to [Patient], pursuant to the order and the attached Prescription of Dr. Bowden. . . .
20. On the evening of November 8, 2021, Huguley Hospital sought emergency review of the Temporary Injunction Order and requested that the Court of Appeals stay the injunction order.
21. On November 9, 2021, at 2:52 p.m., Huguley Hospital sent Respondent a letter via email. In the letter, Respondent was:
- asked to “promptly submit an application for privileges.”
 - informed that “Hospital medical staff will consider your application tonight, if it is submitted today.”
 - informed that “[i]f you intend to bring your nurse to assist you, please be sure that your application process encompasses the nurse.”
 - informed that “[i]rrespective of the medical staff’s privileging recommendation, your application will then be submitted to the Hospital’s Board of Directors, which will meet on Thursday, November 11, 2021.”
 - informed that “[i]f the Board approves your application, you will be contacted immediately and at that point you will need to notify the Hospital as to when you will arrive for the administration of your prescription to [Patient].”
22. At about 5:51 p.m. on November 9, 2021, the Court of Appeals stayed the Temporary Injunction Order “until further order of this court.”
23. The following day, on November 10, 2021, the Court of Appeals entered an order requiring expedited briefing on Huguley Hospital’s request for emergency review of the Temporary Injunction Order. Patient’s wife was directed to file her brief seven days later on Wednesday, November 17, 2021.
24. On November 10, Respondent posted on her social media account: “Need a nurse who can help in Fort Worth area . . . my patient can get Ivermectin for 7 days but the nurse who was going to help can no longer help. Please retweet ... need to find someone ASAP. I will get the privileges, and nurse can work under me.” Respondent further posted that the “Nurse would need to put it in his feeding tube. Hospital refusing to let their nurse do it.”

25. Then, at 3:52 p.m. on November 10, Respondent emailed Huguley Hospital's Director of Medical Staff Services, a registered nurse, with the subject line "Supplement to application." Respondent stated:
- My purpose is solely to administer Ivermectin to Patient.
 - The nurse working under me is Kimberly Joy Witzel RN, license #865988.
 - The nurse will be employed by me under this limited purpose.
 - I will notify the hospital as to when she will arrive to administer the Ivermectin.
 - I hereby request that I be approved for said limited purposes.
26. Huguley Hospital's Director of Medical Staff Services replied to Respondent, telling Respondent she did not have privileges. The Director of Medical Staff Services emailed Respondent at 4:48 p.m. on November 10: "Dr. Bowden, you will need to complete your application that was sent to you yesterday. It will go through the credentialing process. At this time, you do not have privileges."
27. In response, Respondent informed Huguley Hospital that she was dispatching her nurse to the Hospital. Respondent's 5:15 p.m. (November 10) email states: "Per the lawyers, everything is set. My nurse will arrive in about 30 minutes with the court order."
28. On November 10, 2021, Patient was in the care of Huguley Hospital, and Respondent had not been granted and did not have privileges to administer any medications to Patient, who was inpatient at Huguley Hospital.
29. New York licensed attorney Beth Parlato was not acting as Respondent's attorney and, given that, Respondent could not have relied upon any supposed legal advice from Ms. Parlato.
30. Despite explicitly admitting and therefore knowing that her request for privileges had not been granted by Huguley Hospital and that she did not then have privileges to administer Ivermectin to Patient while in care at Huguley Hospital, Respondent dispatched Kimberly Joy Witzel, a nurse under Respondent's supervision, to Huguley Hospital on November 10, 2021, to administer the medication to Patient.
31. Respondent's intended result in dispatching her nurse to Huguley Hospital was to override the Hospital's care plan for Patient by administering her prescription to Patient.
32. Upon being confronted with Respondent's nurse trying to gain entry to the ICU, Huguley Hospital personnel refused the nurse entry. In the course of Huguley Hospital's efforts to stop Respondent's nurse's entry to the ICU, law enforcement was called.

33. On November 10, 2021, at 8:36 p.m. Respondent posted to her social media account on Twitter a picture of hospital personnel in medical scrubs, stating: "This is the director of the ICU at Texas Huguley Hospital who called the police on my nurse."
34. Respondent behaved in a disruptive manner toward Huguley Hospital's personnel that interfered with the Hospital's patient care.
35. Respondent behaved in a disruptive manner toward Huguley Hospital's personnel that could be reasonably expected to adversely impact the quality of care rendered to a patient.
36. On November 18, 2021, the Court of Appeals reversed and vacated the trial court's Temporary Injunction Order. The Court held that "the trial court had no legal authority to intervene in Huguley's legal exercise of its discretion to grant, deny, or limit Dr. Bowden's ICU credentials."
37. That Respondent knew she did not have privileges to administer her prescription to Patient while in care of Huguley Hospital but nonetheless intentionally dispatched her nurse to administer the medication and that Respondent's intended result in dispatching her nurse to the Hospital was to override the Hospital's care plan for Patient is a relevant aggravating factor the Board may consider in determining the appropriate sanction.
38. Respondent, based on her disagreement with an inpatient's treatment plan, may repeat her attempt to disregard a hospital's rules on physician credentialing and treat an inpatient at a facility where she is not privileged.
39. Respondent is not maintaining the continuing certification requirements for her American Board of Otolaryngology—Head and Neck Surgery certification.
40. Respondent did not prove any relevant circumstances reducing the seriousness of her misconduct.
41. Respondent did not prove any relevant circumstances lessening responsibility for her misconduct.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Medical Practice Act, Tex. Occ. Code, title 3, subtitle B.
2. SOAH has jurisdiction to hold a contested case hearing and authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Occ. Code § 164.007(a).
3. Respondent received timely and adequate notice of the allegations against her and Staff's Second Motion for Partial Summary Disposition. Tex. Gov't Code §§ 2001.051-.052; Tex. Occ. Code § 164.005(f); 1 Tex. Admin. Code § 155.103.

4. Respondent received proper notice of the complaint and the hearing. Tex. Occ. Code § 164.005(f); Tex. Gov't Code §§ 2001.051-.052.
5. Staff had the burden of proving that Respondent is subject to disciplinary action by the Board and any aggravating factors the Board may consider in determining the appropriate sanction against Respondent. 22 Tex. Admin. Code § 190.15(a); 1 Tex. Admin. Code § 155.427.
6. Respondent had the burden of proving any mitigating factors the Board may consider in determining the appropriate sanction against her. 22 Tex. Admin. Code § 190.15(b); 1 Tex. Admin. Code § 155.427
7. The standard of proof is by a preponderance of the evidence. *Granek v. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).
8. All or part of a contested case may be disposed of by summary disposition if the pleadings, the motion for summary disposition, and the summary disposition evidence show there is no genuine issue as to any material fact and that a party is entitled to a decision in its favor as a matter of law on all or some of the issues. 1 Tex. Admin. Code § 155.505(a).
9. Because the quality of a health care provider's medical staff is intimately connected with patient care, a hospital's credentialing of doctors is necessary to that core function and is, therefore, an inseparable part of the health care rendered to patients. *Garland Cmty. Hosp. v. Rose*, 156 S.W.3d 541, 545 (Tex. 2004).
10. Only Huguley Hospital's governing body has the authority to grant or deny privileges to a physician, such as Respondent, in its hospital. Tex. Health & Safety Code § 241.101(k); Tex. Att'y Gen. Op. No. GA-0102 (2003).
11. Respondent could not have justifiably relied on a statement from Patient's attorney that it was "appropriate" for Respondent to send her nurse to Huguley Hospital. *See JPMorgan Chase Bank, N.A. v. Orca Assets G.P., L.L.C.*, 546 S.W.3d 648, 656 (Tex. 2018).
12. Staff established there is no genuine issue of material fact regarding the allegation that Respondent is subject to disciplinary action under Tex. Occ. Code § 164.051(a)(1).
13. Respondent is subject to disciplinary action because she engaged in unprofessional conduct in that she behaved in a disruptive manner toward licensees and hospital personnel that interfered with patient care and could be reasonably expected to adversely impact the quality of care rendered to a patient. Tex. Occ. Code §§ 164.051(a)(1), .052(a)(5); 22 Tex. Admin. Code § 190.8(2)(P).
14. The ALJs are prohibited from making a recommendation regarding the appropriate action to be taken by the Board in this case. Tex. Occ. Code § 164.007(a-1).

15. In determining the appropriate disciplinary action, the Board may consider as an aggravating factor that Respondent's conduct constituting a violation was intentional. 22 Tex. Admin. Code § 190.15(a)(7).
16. In determining the appropriate disciplinary action, the Board may consider as an aggravating factor that Respondent's unprofessional behavior demonstrates an increased potential for harm to the public. 22 Tex. Admin. Code § 190.15(a)(5).


ORDER

The Board hereby adopts the Findings of Fact and Conclusions of Law as proposed by the ALJs and ORDERS that Respondent is subject to the following terms and conditions:

1. This Final Order constitutes a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

SIGNATURE PAGE TO FOLLOW

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
17 day of October, 2025.



Sherif Z. Zaafran, MD, President
Texas Medical Board