433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H. Commissioner

Public

Dennis P. Whalen

Executive Deputy Commissioner

July 20, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William Bowens, M.D. 30 Zachary Taylor Street Stony Point, New York 10980

Denise L. Quarles, Esq. Quarles & Associates 405 Lexington Avenue Suite 2600 New York, New York 10174 Robert Bogan, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180-2299

RE: In the Matter of William Bowens, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 05-50) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct New York State Department of Health Hedley Park Place 433 River Street-Fourth Floor Troy, New York 12180 If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

Sean D. O'Brien, Director Bureau of Adjudication

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SDO:djh

Enclosure

STATE OF NEW YORK: DEPARTMENT OF HEALTH
ADMINISTRATIVE REVIEW BOARD FOR PROFESSIONAL MEDICAL CONDUCT

In the Matter of

William Bowens, M.D. (Respondent)

A proceeding to review a Determination by a Committee (Committee) from the Board for Professional Medical Conduct (BPMC)



Administrative Review Board (ARB)

Determination and Order No. 05-50

Before ARB Members Grossman, Lynch, Pellman, Wagle and Briber Administrative Law Judge James F. Horan drafted the Determination

For the Department of Health (Petitioner):

Robert Bogan, Esq.

For the Respondent:

Denise L. Quarles, Esq.

After a hearing below pursuant to N. Y. Pub. Health Law (PHL) §§ 230(10)(e) & 230(10)(p)(McKinney Supp. 2005), a BPMC Committee determined that the Respondent committed professional conduct due to his misdemeanor criminal conviction on a firearms charge and due to his delay in updating his physician profile (Profile) with information on the conviction. The Committee voted to impose no penalty against the Respondent's License to practice medicine in New York (License). In this proceeding pursuant to PHL §230-c (4)(a), the Petitioner asked the ARB to consider evidence outside the hearing record and modify the Committee's Determination, or, in the alternative, to remand to the Committee to consider additional evidence. After considering the hearing record and the parties' review briefs, we refuse to consider matters outside the record or to remand. We affirm the Committee's

Committee Determination on the Charges

The Petitioner commenced the proceeding by filing charges with BPMC alleging that the Respondent violated N. Y. Educ. Law (EL) § 6530(9)(a)(i) due to the Respondent's conviction for committing a crime under New York State Law. The Petitioner charged further that the Respondent violated EL 88 65 22 22 20 6530(21) by:

REDACTION

- failing to file a report required by law.

The failing to file charge alleged that the Respondent failed to update his mandatory physician

Profile concerning a criminal conviction.

REDACTION

The Respondent entered a guilty plea in Stony

Point Court in August 2002 to violating a firearm licensing statute, a Class A Misdemeanor. The Respondent received a conditional discharge and a \$125.00 surcharge. In May 2003, the Respondent applied to renew his License and answered "yes' to a question concerning making a guilty plea to a misdemeanor.

REPACTION

n by

The Committee concluded that the Respondent's misdemeanor criminal conviction constituted misconduct under EL § 6530(9)(a)(i). The Committee found further that the Respondent's delay in updating his Profile constituted a failure to file a mandated report, a violation under EL § 6530(21).

REDACTION?

The Committee voted to impose no penalty for the criminal conviction or the delay in updating the Profile, due to mitigating factors in the record. The Committee found that the misdemeanor conviction related to a gun the Respondent had registered in Virginia, but had failed to register in New York. They found the Profile delay came at a hectic time in the Respondent's life when he was recalled to active military duty and was going overseas. The Committee also found that the Respondent's conduct isolated and atypical, with no effect on his patients.

Review History and Issues

The Committee rendered their Determination on March 25, 2005. This proceeding commenced on April 6, 2005, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief and the Respondent's reply brief. The record closed when the ARB received the reply brief on May 13, 2005.

The Petitioner argues that the Committee acted inappropriately in failing to impose any penalty against the Respondent.

CONCINEN

into evidence. The Petitioner

asks the ARB to

impose an appropriate penalty.

REDACTION

The Respondent asks that the ARB sustain the Committee's Determination.

Determination

REGACTION

On the basis of the evidence that the Committee and the ARB could properly consider, the ARB affirms the Committee's Determination to impose no penalty against the Respondent.

ORDER

NOW, with this Determination as our basis, the ARB renders the following ORDER:

- 1. The ARB affirms the Committee's Determination that the Respondent committed professional misconduct.
- 2. The ARB affirms the Committee's Determination to impose no penalty against the Respondent's License.

Robert M. Briber
Thea Graves Pellman
Datta G. Wagle, M.D.
Stanley L. Grossman, M.D.
Therese G. Lynch, M.D.

Robert M. Briber, an ARB Member, concurs in the Determination and Order in the Matter of Dr. Bowens.

Dated: July 18,2005

Robery M. Briber

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FAX NO. :

FROM : Briber

Thea Graves Pellman, an ARB Member concurs in the Determination and Order in the

Matter of Dr. Bowens.

Dated:

_, 2005

Thea Graves Pellman

Datta G. Wagle, M.D., an ARB Member concurs in the Determination and Order in the

Matter of Dr. Bowens.

Dated: _________, 2005

Datta G. Wagle, M.D.

Stanley L. Grossman, an ARB Member concurs in the Determination and Order in the

Matter of Dr. Bowens.

Dated: July 14, 2005

OD! Lusuan H.D. Stanley L Grossman, M.D.

Therese G. Lynch, M.D., an ARB Member concurs in the Determination and Order in the Matter of Dr. Bowens.

Therese G. Lynch; M.D.