



STATE OF NEW YORK
DEPARTMENT OF HEALTH

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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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,

A handwritten signature in black ink that reads "Sean D. O'Brien". The signature is written in a cursive style with a large initial "S" and "D".

Sean D. O'Brien, Director
Bureau of Adjudication

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)**

COPY

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 Determination in full.

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 §§ 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.

REDACTION

in 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.

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into evidence. The Petitioner asks the ARB to
impose an appropriate penalty.

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

Determination

REDACTION

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**:

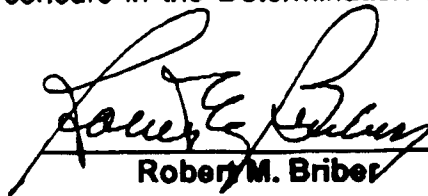
1. The ARB affirms the Committee's Determination that the Respondent committed professional misconduct.
2. The ARB affirms the Committee's Determination to impose no penalty against the Respondent's License.

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

In the Matter of William Bowens, M.D.

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

Dated: July 18, 2005

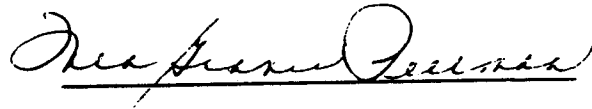


Robert M. Briber

In the Matter of William Bowens, M.D.

Thea Graves Pellman, an ARB Member concurs in the Determination and Order in the Matter of Dr. Bowens.

Dated: July 15, 2005

A handwritten signature in cursive script, reading "Thea Graves Pellman", written over a horizontal line.

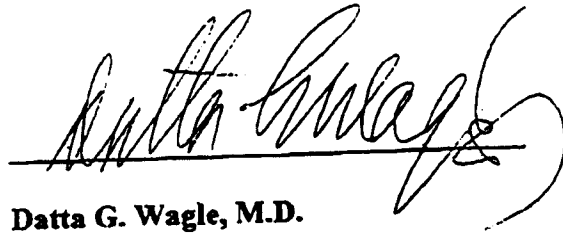
Thea Graves Pellman

In the Matter of William Bowens, M.D.

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

Matter of Dr. Bowens.

Dated: 7/17, 2005



A handwritten signature in cursive script, appearing to read "Datta G. Wagle", is written over a horizontal line. The signature is fluid and somewhat stylized.

Datta G. Wagle, M.D.

In the Matter of William Bowens, M.D.

Stanley L. Grossman, an ARB Member concurs in the Determination and Order in the Matter of Dr. Bowens.

Dated: July 14, 2005

Stanley L. Grossman M.D.

Stanley L. Grossman, M.D.

In the Matter of William Bowens, M.D.

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

Dated: July 13, 2005

Therese G Lynch, M.D.

Therese G. Lynch, M.D.