

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JEREMY AVERILL STOWELL, M.D.  
License No.: 0101-020948

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Dr. Stowell, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Stowell to practice medicine in Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Dr. Stowell was issued license number 0101-020948 by the Board to practice medicine in the Commonwealth of Virginia on November 30, 1970. Said license will expire on May 31, 2006, unless renewed or otherwise restricted.
2. Dr. Stowell violated Sections 54.1-2915.A(1), (8), (10), and (17) [*formerly Sections 54.1-2915(1) and (3), as further defined in Sections 54.1-2914.A(3), (5), and (12)*], and Sections 18.2-258.1.B and 54.1-3408 of the Code, in the course of his treatment of Patients A and B. Specifically, on approximately five (5) occasions, Dr. Stowell wrote prescriptions for Dexedrine (dextroamphetamine sulfate, Schedule II) in Patient B's name, with the intent that said prescriptions were for Patient A's personal use.
3. During the course of his treatment of Patient A from on or about May 15, 1995, to approximately March 2004, Dr. Stowell violated Section 54.1-2915.A(16) [*formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(11)*] of the Code, in that he failed to note in Patient A's record that he prescribed Dexedrine to Patient A on at least five (5) occasions in the name of

Patient B, as further described in a separate allegation, above. Further, Dr. Stowell violated Sections 54.1-2915.A(13) and (16) [*formerly Section 54.1-2915(3), as further defined in Sections 54.1-2914.A(8) and (11)*] of the Code, in that he continued to prescribe Dexedrine to Patient A despite documenting in Patient A's record on September 26, 1998, his concerns that another person was taking Patient A's medication.

4. During the course of his treatment of Patient B from on or about October 23, 1999, to approximately March 2004:

a. Dr. Stowell violated Section 54.1-2915.A(13) [*formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)*] of the Code, in that Dr. Stowell prescribed Adderall (amphetamine, Schedule II) and Klonopin (clonazepam, Schedule IV) to Patient B after he informed Dr. Stowell that he took those same medications that Dr. Stowell had prescribed to Patient A, with whom he cohabitated, on a least two separate occasions.

b. Dr. Stowell violated Section 54.1-2915.A(13) [*formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)*] of the Code, in that Dr. Stowell prescribed Ritalin (methylphenidate hydrochloride, Schedule II), Adderall, dextroamphetamine, and OxyContin (oxycodone, Schedule II) to Patient B beginning November 1999, absent documented rationale or adequate diagnosis.

c. Dr. Stowell violated Section 54.1-2915.A(17) [*formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(12)*], and Section 54.1-3408.01 of the Code, in that Dr. Stowell failed to date prescriptions he wrote for Patient B, for Ritalin, dextroamphetamine, and OxyContin.

5. During the course of his treatment of Patient C from on or about November 29, 1997, to approximately February 2004:

a. Dr. Stowell violated Section 54.1-2915.A(13) *[formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)]* of the Code, in that on May 9, 2000, Dr. Stowell failed to document Patient C's complaint or his rationale for prescribing Percocet (oxycodone/ APAP, Schedule II) to her. Subsequently, Dr. Stowell failed to adequately monitor this patient who had a documented history of benzodiazepine abuse, and to whom Dr. Stowell also prescribed Klonopin and Xanax (alprazolam), both Schedule IV benzodiazepines; Hycotuss and Codiclear DH (hydrocodone/ guaifenisin, Schedule III).

b. Dr. Stowell violated Section 54.1-2915.A(13) *[formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)]* of the Code, in that, by letter dated May 4, 1998, Dr. Stowell provided an explanation to Patient C's insurance company for increased medication checks between March 30, 1998, and April 15, 1998, stating that "medication adjustments were helpful"; and that Dr. Stowell "needed to increase the frequency of sessions because of [Patient C's] history of prescription medication abuse under prior physicians." Dr. Stowell failed to adequately document in Patient C's record the specific medications he prescribed, documenting "meds ok," "same meds," and similar phrases to that effect.

6. Beginning on or about May 28, 2002, during the course of his treatment of Patient D, who had a documented history of heroin, alcohol and cocaine abuse:

a. Dr. Stowell violated Section 54.1-2915.A(13) *[formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)]* of the Code, in that he began prescribing Adderall to

Patient D on September 23, 2002, but failed to document a complaint or his rationale for prescribing a Schedule II stimulant to Patient D. On October 21, 2002, Dr. Stowell increased the dosage of Adderall without documenting his rationale for doing so.

b. Dr. Stowell violated Sections 54.1-2915.A(3) and (13) [*formerly Sections 54.1-2915(4) and (3), as further defined in Section 54.1-2914.A(8)*] of the Code, in that, on March 3, 2003, Dr. Stowell began prescribing OxyContin to Patient D for his complaints of severe lower back pain secondary to a herniated disc. Dr. Stowell documented an MRI “soon—in a few weeks.” Dr. Stowell continued to prescribe narcotics to Patient D, including OxyContin, Dilaudid (hydromorphone, Schedule II), methadone (Schedule II), and MSIR (morphine sulfate immediate release, Schedule II), without documenting that any diagnostic studies were performed or if positive findings were made.

c. Dr. Stowell violated Sections 54.1-2915.A(3), (8) and (16) [*formerly Sections 54.1-2915(4) and (3), as further defined in Sections 54.1-2914.A(3) and (11)*] of the Code, in that Dr. Stowell reported to an investigator for the Department of Health Professions on August 12, 2003, that he continued to prescribe Adderall, methadone and Dilaudid to Patient D, despite the fact that he was aware Patient D had shared pain medications with his girlfriend, which “had resulted in his running out of medication early on several occasions.”

7. Beginning on or about April 24, 1999, during the course of his treatment of Patient E, who had a documented history of profound chemical dependence, and whose chemical dependency craving included benzodiazepines and barbiturates, Dr. Stowell violated Sections 54.1-2915.A(3) and (13) [*formerly Section 54.1-2915(4) and (3), as further defined in Section 54.1-*

2914.A(8)] of the Code, in that Dr. Stowell prescribed clonazepam, lorazepam, temazepam, Tranxene SD (chlorazepate), and Xanax, all Schedule IV benzodiazepines, to Patient E.

8. During the course of his treatment of Patient F from on or about January 16, 2002, to approximately February 2004:

a. Dr. Stowell violated Section 54.1-2915.A(13) *[formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)]* of the Code, in that Dr. Stowell prescribed OxyContin and Roxicodone (oxycodone, Schedule II) to Patient F, who had a documented history of opiate dependence, alcohol and heroin use.

b. Dr. Stowell violated Section 54.1-2915.A(16) *[formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(11)]* of the Code, in that Dr. Stowell prescribed Xanax and methadone to Patient F in June 2003; however, Dr. Stowell failed to document in the patient records beyond May 26, 2003. Additionally, Dr. Stowell failed to date a prescription for OxyContin.

9. Dr. Stowell violated Section 54.1-2915.A(13) *[formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)]* of the Code, in that he prescribed narcotics, benzodiazepines and/or muscle relaxants to Patients A-D, F and G for their complaints of pain, but failed to document comprehensive physical examinations of said patients, initially or periodically, to determine the extent of their physical complaints or to track the efficacy of his treatment. Additionally, Dr. Stowell prescribed medications to include antibiotics, antifungal and allergy medications, ophthalmic solutions, laxatives, proton pump inhibitors, and anti-diarrheal medications to Patients A-D and Patient H to treat various physical complaints, but failed to

document any comprehensive physical examinations or laboratory analyses confirming his diagnoses in the patients' records.

10. Dr. Stowell violated Section 54.1-2915.A(3) *[formerly Section 54.1-2915(3), as further defined in Section 54.1-2914.A(8)]* of the Code, in that his treatment records for Patients A-H are extremely disordered and to some extent illegible or incomplete. Additionally, on a number of occasions, Dr. Stowell prescribed medication to Patients A through F and Patient H, but failed to document said prescriptions in patient notes, and at least two (2) prescriptions Dr. Stowell wrote for Patient A were contained in Patient B's file.

11. Dr. Stowell has expressed his intent to retire from the practice of medicine.

12. Dr. Stowell reports that on April 13, 2005, he surrendered his DEA registration and has not prescribed to patients since that date.

13. Dr. Stowell reports that as of April 14, 2005, he has not treated any patients for pain management.

14. Dr. Stowell continues to see approximately three (3) patients per week for ongoing psychotherapy. He reports that he has informed these patients of his retirement from practice effective on or about July 31, 2005, and has referred them to other practitioners for care and treatment.

15. With the exception of the psychotherapy patients referenced above who will be terminated effective on or about July 31, 2005, Dr. Stowell reports that since April 2005, he has notified all other non-pain management patient, through certified mail and personal and telephone

contact, that he will no longer be practicing and has referred their care and treatment to other practitioners.

14. Dr. Stowell intends to close his practice effective on or about August 15, 2005.

CONSENT

I, Jeremy Averill Stowell, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Franklin Swartz, Esquire;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
  - a. the right to an informal conference before the Board;
  - b. the right to representation by counsel; and
  - c. the right to cross-examine witnesses against me.
4. I waive all rights to an informal conference;
5. I neither admit nor deny the truth of Findings of Fact 2-10, but agree not to contest them in any subsequent proceeding before the Board; and
6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

**ORDER**

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the Board accepts the SURRENDER for SUSPENSION of the license of Jeremy Averill Stowell, M.D., effective August 1, 2005, in lieu of further proceedings in this matter. Dr. Stowell shall not petition the Board for reinstatement of his license until after August 1, 2007. Should Dr. Stowell seek reinstatement of his license, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act. As petitioner, Dr. Stowell has the burden of proving his competency and fitness to practice medicine in the Commonwealth of Virginia in a safe manner.

Pursuant to Section 54.1-2920 of the Code, upon entry of this Consent Order, Dr. Stowell shall forthwith give notice, by certified mail, of the surrender for suspension of his license to practice medicine to all patients to whom he is currently providing services. A copy of this notice shall be provided to the Board when sent to patients. Dr. Stowell shall cooperate with other practitioners to ensure continuation of treatment in conformity with the wishes of the patient. Dr. Stowell shall also notify any hospitals or other facilities where he is currently granted privileges, and any health insurance companies, health insurance administrators or health maintenance organization currently reimbursing him for any of the healing arts.

Further, within five (5) days of entry of this Consent Order, Dr. Stowell shall:

1. Return his current license to the Board office;
2. Update his Virginia Practitioner Profile regarding his primary practice address and any other appropriate section, with the exception of the Virginia Notices and Orders section;



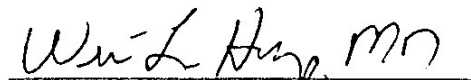
3. Provide a copy of the surrender notification of his DEA registration to the Board;
4. Submit written notification to any and all drug wholesalers or pharmacies that he has ordered from, or had an account with for the past five (5) years, that he has surrendered his DEA license and request that the account be closed, a copy of which shall be provided to the Board; and
5. Properly dispose of all Schedule II-VI controlled substances, including physician's samples, remaining in the practice.

Upon entry of this Consent Order, the license of Jeremy Averill Stowell, M.D., will be recorded as surrendered and no longer current.

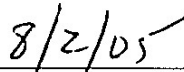
Violation of this Consent Order shall constitute grounds for the revocation of the license of Dr. Stowell. In the event Dr. Stowell violates any of the terms and conditions of this Consent Order, an administrative hearing shall be convened to determine whether his license shall be revoked.

Pursuant to Section 54.1-2400.2(F) of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:



William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine



ENTERED

SEEN AND AGREED TO:

Jeremy Averill Stowell M.D.

Jeremy Averill Stowell, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF NORFOLK, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 28<sup>th</sup> day of JULY, 2005, by Jeremy Averill Stowell, M.D.

Andrew J. Pearson  
Notary Public

My commission expires: 7-31-05