### BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

FRANK R. BOWERS, M.D.

Holder of License No. 20858
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-02-0018

CONSENT AGREEMENT FOR A LETTER OF REPRIMAND

## CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Frank R. Bowers, M.D. ("Respondent") the parties agree to the following disposition of this matter.

- 1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.
- 2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.
- 3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.
- 4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation

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involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

- 5. Respondent acknowledges and agrees that, although said Consent Agreement and Order has not yet been accepted by the Board and issued by the Executive Director, Respondent may not make any modifications to the document. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke acceptance of the Consent Agreement and Order. Any modifications to this Consent Agreement and Order are ineffective and void unless mutually approved by the parties.
- Respondent further understands that this Consent Agreement and Order, 6. once approved and signed, shall constitute a public record document that may be publicly disseminated as a formal action of the Board and will be reported to the National Practitioner Data Bank and will be reported to the Arizona Medical Board's website.
- If any part of the Consent Agreement and Order is later declared void or 7. otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

Frank R Bowas MD

Dated: 3-20-03

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# Respondent is the holder of License No. 20858 for the practice of

allopathic medicine in the State of Arizona.

of the practice of allopathic medicine in the State of Arizona.

The Board began an investigation of Respondent's treatment of patient R.

FINDINGS OF FACT

The Board is the duly constituted authority for the regulation and control

D. ("R.D.") after receiving notice from the National Practitioner Data Bank of the monetary settlement of a malpractice claim relating to R.D.

4. Respondent first saw R.D. on June 25, 1998 and diagnosed bipolar

R.D. was taking 900 milligrams of Lithium twice a day. disorder. Respondent

maintained R.D. on this same medication regime from June 25, 1998 through June 22,

1999.

- 5. Respondent's office records indicate that Respondent did not order urine or blood tests to monitor R.D.'s Lithium levels.
- On June 27, 1999, R.D. was taken to the emergency room and was 6. diagnosed with Lithium toxicity (2.5, with the reference range of 0.6-1.2).
- 7. In Respondent's response to the Board, he admitted that he did not order Lithium levels on R.D. and that he did not recognize Lithium toxicity in R.D.
- 8. The standard of care required Respondent to monitor R.D.'s Lithium levels and to recognize Lithium toxicity in R.D.
- Respondent failed to meet the accepted standard of care when he failed to 9. monitor R.D.'s Lithium levels and R.D. was harmed when he suffered Lithium toxicity.

## CONCLUSIONS OF LAW

The Board possesses jurisdiction over the subject matter hereof and over 1. Respondent.

- 2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.
- 3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(II), "[c]onduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient" and A.R.S. § 32-1401(24)(q), "[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public".

## **ORDER**

### IT IS HEREBY ORDERED THAT:

- 1. Respondent is hereby issued a Letter of Reprimand for failure to monitor Lithium levels and to recognize toxicity.
  - This Order is the final disposition of case number MD-02-0018.

DATED AND EFFECTIVE this 4th day of APRIC , 2003

[Seal]



ARIZONA MEDICAL BOARD

BARRY A. CASSIDY Ph.D., P.A.-C Executive Director

ORIGINAL of the foregoing filed this day of \_\_\_\_\_, 2003, with:

Arizona Medical Board 9545 E. Doubletree Ranch Road Scottsdale, AZ 85258

1	EXECUTED COPY of the foregoing mailed by Certified Mail this day of, 2003, to:
2	day 01 4783C , 2005, to.
3	Frank R. Bowers, M.D. 8557 Summer Vista Ave.
4	Las Vegas, NV 89145-4863
5	EXECUTED COPY of the foregoing hand-delivered this day of, 2003, to:
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7	Christine Cassetta, Assistant Attorney General Sandra Waitt, Management Analyst Arizona Medical Board
8	9545 E. Doubletree Ranch Road
.9	Scottsdale, AZ 85258
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