BEFORE THE ARIZONA STATE BOARD OF
PODIATRY EXAMINERS

In the Matter of:            )    CASE NO. 14-31-C

JOEL T. BOWEN, DPM
Holder of License No. 0725  )    CONSENT AGREEMENT

For the Practice of Podiatry )    AND ORDER
In the State of Arizona      

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before
the Arizona State Board of Podiatry Examiners ("Board"), and in the interest of protecting the
people of the State of Arizona, consistent with the statutory requirements and responsibilities of
the Board pursuant to A.R.S. § 32-801, et seq. and A.R.S. § 41-1092.07 (F)(5), Dr. Joel Bowen,
DPM ("Respondent"), holder of license number 0725 to practice podiatry in the State of Arizona,
and the Board enter into the following Consent Agreement for Findings of Fact, Conclusions of
Law, and Order for Decree of Censure and Continuing Medical Education ("Consent Agreement")
as the final disposition of this matter.

1. Respondent has the right to consult with an attorney prior to entering into this
Consent Agreement. Respondent has read and understands this Consent Agreement as set forth
herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has
waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the
purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that he has a right to a public administrative hearing
concerning each and every allegation set forth in the above-captioned matter, at which time
Respondent could present evidence and cross-examine witnesses. By entering into this Consent
Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative
hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or any
other administrative, and/or judicial action concerning the matters set forth herein. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to this original document are ineffective and void unless mutually approved by the parties in writing.

3. Respondent agrees that the Board may adopt this Consent Agreement or any part of this agreement under A.R.S. §§ 32-852 and 32-852.01. Respondent understands that the Board may consider this Consent Agreement or any part of it in any future disciplinary action against him.

4. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board’s statutory authority or jurisdiction regarding any other pending or future investigation, action, or proceeding.

5. All admissions Respondent makes in this Consent Agreement are made solely for the final disposition of investigation number 14-31-C, and any related administrative proceedings or civil litigation involving the Board and Respondent. Respondent further understands that acceptance of the Consent Agreement does not preclude any other agency, subdivision, or officer of this state from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

6. The Consent Agreement shall be subject to adoption by the Board and shall be effective only when signed by the President of the Board or the Executive Director of the Board, on behalf of the President. In the event that the Board does not adopt this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party. The parties agree that if the Board rejects this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any other records relating thereto.

7. Respondent understands that a Decree of Censure constitutes a disciplinary action. Respondent further understands that any disciplinary action taken against a licensee by the Board must be reported to the National Practitioner Data Bank, in accordance with federal regulations.
8. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board.

9. Respondent understands that any violation of this Consent Agreement could be grounds for further disciplinary action by the Board pursuant to A.R.S. § 32-854.01(21).

DATED: 3-1-2017

SIGNED: [Signature]

Joel Bowen, DPM

APPROVED AS TO FORM:

Donn C. Alexander
Attorney for Respondent

FINDINGS OF FACT

1. The Arizona State Board of Podiatry Examiners is the duly constituted agency for licensing and regulating the practice of podiatry in the State of Arizona and has jurisdiction over Respondent and the subject matter pursuant to A.R.S. § 32-801, et seq.

2. Dr. Joel Bowen, DPM, is the holder of License Number 0725 which enables him to practice podiatry in the State of Arizona.

3. Respondent has been continuously licensed to practice podiatry in the State of Arizona since February 23, 2011. Respondent’s license to practice podiatry was renewed on July 19, 2016 and is effective until August 31, 2017. Respondent has had no prior disciplinary actions against him.

4. On or about September 10, 2014, the Board received a complaint from J.C. that expressed a concern regarding the manner in which Respondent maintained patient electronic medical records: specifically, that Respondent’s alleged untimely completion of electronic medical records delayed patient care and future treatments.

5. The Board reviewed fifteen electronic patient charts with dates of treatment between May 2012 and August 2015. Nine of the fifteen charts reviewed showed delays in completion of the electronic medical record, ranging from just over one month to nearly twenty-four months between the date of treatment and the date the electronic record was formally signed off or released.
6. Respondent’s difficulty in timely completion of electronic patient medical records was due to a delay in transcribing data from Respondent’s own handwritten paper medical records into the electronic medical record system for each patient. Respondent kept these handwritten paper records in a file separate and apart from the electronic medical record system.

7. The Board discussed the allegations at the Regular Board Meeting on January 11, 2017 and found that Respondent’s untimely completion of electronic medical records, as well as his former practice of regularly maintaining unsecured handwritten medical documents in a single file, could potentially affect continuity of care and delay care or future treatment of patients, potentially resulting in harm to the health of the patient. There was no evidence that any alleged delay in completing the electronic medical record created actual harm to any patient.

CONCLUSIONS OF LAW

The conduct described in the Findings of Fact above, if proven true, constitutes grounds for disciplinary action pursuant to A.R.S. §§ 32-852 and 32-852.01 and violates the provisions of A.R.S. § 32-854.01(20) which states, “Any conduct or practice that is or might be harmful or dangerous to the health of the patient.”

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED THAT Dr. Joel Bowen, DPM, holder of license number 0725, shall be subject to the following:

1. CENSURE. License number 0725, held by Dr. Joel Bowen, DPM, shall be CENSURED. This Decree of Censure constitutes a formal action against the license held by Respondent.

2. CONTINUING EDUCATION. Respondent shall take and complete at least ten (10) hours of pre-approved CONTINUING MEDICAL EDUCATION ("CME") hours in the area of medical recordkeeping and documentation. Respondent must submit a CME plan to the Board for pre-approval by the Board or the Board’s Designee. Respondent shall complete the ordered
CME hours within ninety (90) days from the effective date of this Order. These CME hours shall be in addition to the twenty-five (25) hours required by the Board for license renewal.

3. Respondent bears all costs associated with complying with the terms of this agreement.

4. This Order becomes effective as of the date stated below.

DATED THIS 14TH DAY OF MARCH 2017.
ARIZONA BOARD OF PODIATRY EXAMINERS

By:  

Dr. Barbara Campbell, Board President

Original Consent Agreement filed this 14th day of March 2017 with the:

Arizona State Board of Podiatry Examiners
1400 West Washington Street, Suite 201
Phoenix, Arizona 85007

Copy of the foregoing sent by Electronic and Regular US mail this 14th day of March 2017 to:

Joel T. Bowen, DPM
14667 W. Lisbon Lane
Surprise, AZ 85379
jtb2y@yahoo.com

Copy of the foregoing sent by Electronic mail this 14th day of March 2017 to:

Frankie Shinn-Eckberg, Assistant Attorney General
Office of Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007
frankie.eckberg@azag.gov

Donn C. Alexander, Esq.
Jones, Skelton & Hochuli, P.L.C.
40 N. Central Ave., Suite 2700
Phoenix, AZ 85004
dalexander@jshfirm.com

By:  

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