

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **PODIATRY EXAMINERS**

3 In the Matter of:) **CASE NO. 14-31-C**
4)
4 **JOEL T. BOWEN, DPM**)
Holder of License No. **0725**) **CONSENT AGREEMENT**
5) **AND ORDER**
For the Practice of Podiatry)
6 In the State of Arizona)
7 _____)

8 **CONSENT AGREEMENT**

9 **RECITALS**

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

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

23 2. Respondent understands that he has a right to a public administrative hearing
24 concerning each and every allegation set forth in the above-captioned matter, at which time
25 Respondent could present evidence and cross-examine witnesses. By entering into this Consent
26 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

1 other administrative, and/or judicial action concerning the matters set forth herein. Respondent
2 affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to
3 this original document are ineffective and void unless mutually approved by the parties in writing.

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

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

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

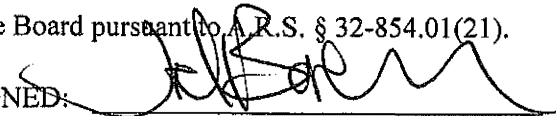
18 6. The Consent Agreement shall be subject to adoption by the Board and shall be
19 effective only when signed by the President of the Board or the Executive Director of the Board,
20 on behalf of the President. In the event that the Board does not adopt this Consent Agreement, it
21 is withdrawn and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

25 7. Respondent understands that a Decree of Censure constitutes a disciplinary action.
26 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.

1 8. Respondent understands that this Consent Agreement is a public record that may
2 be publicly disseminated as a formal action of the Board.

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

5 DATED: 3-1-2017

SIGNED: 
Joel Bowen, DPM

7 APPROVED AS TO FORM: _____

Donn C. Alexander
Attorney for Respondent

9 **FINDINGS OF FACT**

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

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

15 3. Respondent has been continuously licensed to practice podiatry in the State of
16 Arizona since February 23, 2011. Respondent's license to practice podiatry was renewed on July
17 19, 2016 and is effective until August 31, 2017. Respondent has had no prior disciplinary actions
18 against him.

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

23 5. The Board reviewed fifteen electronic patient charts with dates of treatment
24 between May 2012 and August 2015. Nine of the fifteen charts reviewed showed delays in
25 completion of the electronic medical record, ranging from just over one month to nearly twenty-
26 four months between the date of treatment and the date the electronic record was formally signed
off or released.

1 6. Respondent's difficulty in timely completion of electronic patient medical records
2 was due to a delay in transcribing data from Respondent's own handwritten paper medical records
3 into the electronic medical record system for each patient. Respondent kept these handwritten
4 paper records in a file separate and apart from the electronic medical record system.

5 7. The Board discussed the allegations at the Regular Board Meeting on January 11,
6 2017 and found that Respondent's untimely completion of electronic medical records, as well as
7 his former practice of regularly maintaining unsecured \ handwritten medical documents in a single
8 file, could potentially affect continuity of care and delay care or future treatment of patients,
9 potentially resulting in harm to the health of the patient. There was no evidence that any alleged
10 delay in completing the electronic medical record created actual harm to any patient.

11 **CONCLUSIONS OF LAW**

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

16 **ORDER**

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

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

23 2. **CONTINUING EDUCATION.** Respondent shall take and complete at least ten
24 (10) hours of pre-approved CONTINUING MEDICAL EDUCATION ("CME") hours in the area
25 of medical recordkeeping and documentation. Respondent must submit a CME plan to the Board
26 for pre-approval by the Board or the Board's Designee. Respondent shall complete the ordered

1 CME hours within ninety (90) days from the effective date of this Order. These CME hours shall
2 be in addition to the twenty-five (25) hours required by the Board for license renewal.

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

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

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

8 By: Barbara A. Campbell, D.P.M.
9 Dr. Barbara Campbell, Board President

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

12 Arizona State Board of Podiatry Examiners
13 1400 West Washington Street, Suite 201
14 Phoenix, Arizona 85007

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

17 Joel T. Bowen, DPM
18 14667 W. Lisbon Lane
19 Surprise, AZ 85379
20 jtb2y@yahoo.com

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

23 Frankie Shinn-Eckberg, Assistant Attorney General
24 Office of Arizona Attorney General
25 1275 West Washington Street
26 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: 