COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2018-051

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In the Matter of )

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KIM E. BOWMAN, M.D. )

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**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Kim E. Bowman, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket Nos. 13-426 and 15-145.

Findings of Fact

1. The Respondent was born on March 13, 1952. The Respondent graduated from Tufts University School of Medicine in 1978. The Respondent is board-certified in internal medicine with a subspecialty certification in geriatric medicine. She has been licensed to practice medicine in Massachusetts since 1980 under certificate number 45580. The Respondent is affiliated with New England Baptist Hospital, Faulkner Hospital, Beth Israel Deaconess Medical Center, Brighton House, Sherrill House, Inc., and St. Joseph Nursing Care Center, Inc.

Patient A

1. Patient A, a male, was born in 1931.
2. In 2013, Patient A was a resident of a nursing home.
3. Patient A had multiple issues, including coronary artery disease, diastolic heart failure with preserved ejection fraction, hypertension, chronic kidney disease, anemia, a history of traumatic fractured vertebra, low back pain, and glaucoma.
4. From August 6, 2013 to August 7, 2013, Patient A was hospitalized for acute heart failure.
5. Upon return to the nursing home, the Respondent assumed care of Patient A.
6. The Respondent failed to conduct physical examinations, perform laboratory monitoring, or provide other orders consistent with the treatment of acute heart failure.
7. The Respondent did not follow the standard of care in monitoring Patient A’s cardiac issues.
8. On August 14, 2013, the Respondent changed an order for the administration of oxycodone from four times a day to three times a day. The nursing home printed a summary order which listed Patient A taking oxycodone extended release three times a day. The Respondent signed the summary order which included the incorrect type of oxycodone. Patient A was given the incorrect type of oxycodone.
9. The Respondent failed to follow the standard of care when she signed the summary which listed the incorrect type of oxycodone.

Patient B

1. Patient B, a male, was born in 1974.
2. The Respondent was Patient B’s primary care physician from 2009 to 2014.
3. Patient B had a history of back pain that was unresolved following one or more surgeries.
4. The Respondent treated Patient B for chronic back pain, chronic anxiety, and panic attacks.
5. The Respondent failed to meet the standard of care in her treatment of Patient B by:
   1. Issuing numerous early refills for Patient B’s opioid prescriptions;
   2. Failing to perform urine screens on Patient B;
   3. Continuing to prescribing opioids to Patient B despite his violation of a pain management contract.
   4. Failing to document any attempts to communicate with Patient B’s therapist.

Conclusion of Law

A. The Respondent has violated G.L. c. 112, § 5, eighth par. (c) and 243 CMR 1.03(5)(a)3 by engaging in conduct that places into question the Respondent's competence to practice medicine including practicing medicine with negligence on repeated occasions.

Sanction and Order

The Respondent’s license is hereby indefinitely Suspended, stayed upon the Respondent’s:

* completion of an audit of twenty-five of her medical records by a Board-approved entity; and
* entry into a five-year Probation Agreement with standard terms and that requires the Respondent to document her remediation of any deficiencies identified through the audit.

The Respondent is also Ordered to complete 5 continuing professional development credits (CPDs) in Geriatric Medicine and 3 CPDs in prescribing opioids within 90 days of the Board’s approval of this proposed Consent Order.

The Respondent waives any right of appeal that she may have resulting from the Board’s acceptance of this Consent Order.

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order and Probation Agreement with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which s/he practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated for the duration of this suspension, Probation Agreement, and Order to obtain CPDs. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of

the entities designated above, or any other affected entity, of any action it has taken.

Signed by Kim E. Bowman, M.D. 3-1-18

Kimberly E. Bowman, M.D. Date

Licensee

Signed by John Puleo 3-1-18

John Puleo Date

Attorney for the Licensee

Signed by James Paikos 3/2/18

James Paikos Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 8 day of Nov , 20\_\_\_.

Signed by Candace Lapidus Sloane, M.D.

Candace Lapidus Sloane, M.D.

Board Chair