

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, SS.

Adjudicatory Case No. 2018-003  
(RM-18-0018)

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In the Matter of )

FINAL DECISION AND ORDER

James R. Cowan, M.D. )  
\_\_\_\_\_ )

This matter came before the Board for final disposition on the basis of the Administrative Magistrate's Recommended Decision, dated June 10, 2019. After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, amending it by adding the following:

Sanction

The record establishes that the Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. Further, the Respondent has engaged in conduct that has the capacity to deceive and defraud.

Upon consideration of the entirety of the record before the Board, it is appropriate for the Board to sanction the Respondent in order to fulfill the Board's obligation to protect the public health, safety and welfare. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979)

In the past, the Board has revoked the license of physicians who allowed unlicensed persons to perform activities that required a license and violated other laws and regulations. See In the Matter of Rahul Chaturvedi, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2007-046 (Final Decision and Order, March 17, 2010 and Partial Final Decision, October 8, 2009).

The Respondent's conduct, which involved permitting an unlicensed individual to perform patient care services, being convicted of a crime, disciplinary action in another jurisdiction by the proper license authority for reasons substantially the same as those set forth in G.L. c. 112, §5 and 243 CMR 1.03(5), and billing insurance companies for services he did not provide, authorizing prescriptions for controlled substances without first conducting a medical evaluation, and failing to record patients' medical information. Based upon all of the above actions, the Respondent has engaged in conduct that calls into question his competence to practice medicine, has demonstrated that he lacks good moral character, and has engaged in conduct that undermines the public confidence in the integrity of the medical profession. Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982). Given the depth and breadth of the Respondent's violations, and the Board's responsibility to protect the public, it is fitting to prohibit the Respondent from practicing medicine. Therefore, the Board hereby REVOKES the Respondent's inchoate right to renew his license. This sanction is imposed for Conclusions of Law in that the Respondent (A) violated G.L. c. 112, § 5, eighth para. (c) and 243 CMR 1.03(5)(a)3 in that the facts place into question the Respondent's competence to practice medicine; (B) the Respondent knowingly permitted, aided or abetted an unlicensed person to perform activities requiring a license in violation of 243 CMR 1.03(5)(a)(6); (C) the Respondent billed insurance companies for services he did not provide, authorizing prescriptions for controlled substances without first conducting a medical evaluation 243 CMR 1.03(5)(a)10; and (D) the Respondent was disciplined in another jurisdiction by the proper license authority for reasons substantially the same as those set forth in G.L. c. 112, §5 and 243 CMR 1.03(5).

The Respondent shall provide a complete copy of this Final Decision and Order, 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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states in which he 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 he becomes associated for the duration of this revocation. The Respondent is further directed to certify to the Board within ten (10) days that he 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.

The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c. 112, § 64.

DATE: December 5, 2019

Candace Lapidus Sloane, MD  
Candace Lapidus Sloane, M.D.  
Board Chair