

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

December 9, 2009

Steven Douglas Stowell, M.D.
400 Shannon Road
Cranberry Township, PA 16066

RE: Case No. 09-CRF-047

Dear Doctor Stowell:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 9, 2009, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3068 1682
RETURN RECEIPT REQUESTED

Mailed 12-10-09

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 9, 2009, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Steven Douglas Stowell, M.D., Case No. 09-CRF-047, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

December 9, 2009
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 09-CRF-047

STEVEN DOUGLAS STOWELL, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on December 9, 2009.

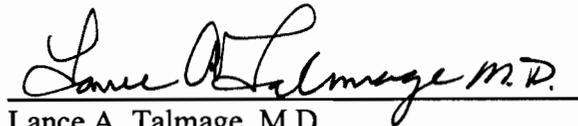
Upon the Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Steven Douglas Stowell, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

December 9, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

2009 NOV 15 AM 10:48

In the Matter of

*

Case No. 09-CRF-047

Steven Douglas Stowell, M.D.,

*

Hearing Examiner Porter

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

By Notice of Immediate Suspension and Opportunity for Hearing dated April 8, 2008, the State Medical Board of Ohio [Board] notified Steven Douglas Stowell, M.D., that it had received a report from the Office of the District Attorney for Butler County, Pennsylvania, that, on or about October 8, 2008, Dr. Stowell had pleaded guilty to and been found guilty of one felony count of Conspiracy/Violation of Controlled Substance, Drug, Device and Cosmetic Act, and one consolidated felony count of Violation of Controlled Substance, Drug, Device and Cosmetic Act, in violation of Pennsylvania law. The Board further notified Dr. Stowell that, pursuant to Section 3719.121(C), Ohio Revised Code, his certificate to practice medicine and surgery in Ohio had been immediately suspended. In addition, the Board notified Dr. Stowell that it had proposed to take disciplinary action against his Ohio certificate based upon allegations concerning (1) the criminal convictions noted above, and (2) action taken by the State Board of Medicine of the Commonwealth of Pennsylvania [Pennsylvania Board] against Dr. Stowell's certificate to practice in that state.

The Board further alleged that Dr. Stowell's conduct and/or guilty plea and judicial finding of guilt had constituted "[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,' as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code[,]" and/or "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,' as that clause is used in Section 4731.22(B)(9), Ohio Revised Code."

In addition, the Board alleged that the Pennsylvania Board action constituted "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice * * *,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code."

Finally, the Board advised Dr. Stowell of his right to request a hearing in this matter, and received his written request on April 20, 2009. (State's Exhibit [St. Ex.] 1)

Appearances

Richard Cordray, Attorney General, and Karen A. Unver, Assistant Attorney General, for the State of Ohio.

Dr. Stowell requested a hearing and participated in a pre-hearing telephone conference but did not appear at hearing.

Hearing Date: September 29, 2009

PROCEDURAL MATTERS

1. The Hearing Examiner paginated State's Exhibits 1, 2 and 5 post-hearing.
2. Following the hearing, the Hearing Examiner identified documents in the hearing record and statements in the Hearing Transcript that contain confidential patient-identifying information. Pursuant to Section 4731.22(F)(5), Ohio Revised Code, such information must be withheld from public disclosure.
 - a. The Hearing Examiner created a Confidential Patient Key to identify Patient 1, a family member of Dr. Stowell. The Confidential Patient Key was admitted to the record as Board Exhibit A and is sealed to protect patient confidentiality.
 - b. Patient-identifying information was redacted from the Hearing Transcript at page 6 line 3, and page 12 line 16.
 - c. Unredacted copies of Hearing Transcript pages 6 and 12 were admitted to the record as Board Exhibit B and sealed to protect patient confidentiality.
 - d. For the following reasons, State's Exhibits 1, 2, and 5 have been sealed to protect patient confidentiality. State's Exhibit 2 is a certified copy of documents maintained by the Court of Common Pleas of Butler County, Pennsylvania, in *Commonwealth of Pennsylvania v. Steven Douglas Stowell*, Case No. CP-10-CR-0001040-2008. These documents include patient-identifying information. In addition, State's Exhibit 1 includes the Board's April 8, 2009, Notice of Immediate Suspension and Opportunity for Hearing. Attached to this document are copies of the same documents as State's Exhibit 2 that contain patient-identifying information. Finally, State's Exhibit 5 is a certified copy of documents maintained by the Pennsylvania Board in Docket No. 0074-49-2009. State's Exhibit 5 also includes copies of the same documents as State's Exhibit 2 that contain patient-identifying information.
 - e. In order to preserve the public record as much as possible, redacted copies of State's Exhibits 1, 2, and 5 have been marked State's Exhibit 1A, State's Exhibit 2A, and State's Exhibit 5A, respectively, and admitted to the record.

- f. State's Exhibits 1A, 2A, and 5A were redacted as follows:
 - i. Patient-identifying information was redacted from a Police Criminal Complaint and from an Information, and the words "Patient 1" were substituted. (St. Ex. 1A at 13-14, 20; St. Ex. 2A at 1-2, 8; St. Ex. 5A at 10-11, 17)
 - ii. Patient-identifying information included in an Affidavit of Probable Cause was so thoroughly enmeshed within the document that redaction would either be impractical or would substantially alter the character and meaning of the document. Accordingly, the Affidavit of Probable Cause was removed in its entirety from State's Exhibits 1A, 2A, and 5A. It remains in the sealed copies of State's Exhibits 1, 2, and 5. (St. Ex. 1A at 15-19; St. Ex. 2A at 3-7; St. Ex. 5A at 12-16)
3. Information concerning the foregoing, along with copies of State's Exhibits 1, 2, and 5, were transmitted to the parties by Entry dated October 30, 2009. The parties were given until November 4, 2009, to file written objections. No objections were filed, and the hearing record closed on November 4, 2009.

SUMMARY OF THE EVIDENCE

All exhibits and the transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. According to the Ohio e-License Center, Steven Douglas Stowell, M.D., obtained his medical degree in 1992 from the Medical College of Pennsylvania. He was initially licensed to practice medicine in Ohio in March 2006. His specialty is diagnostic radiology. (Ohio e-License Center, State of Ohio, <<https://license.ohio.gov/Lookup/SearchDetail.asp?ContactIdnt=3729725&DivisionIdnt=78&Type=L>>, October 28, 2009)
2. On May 29, 2008, an Information was filed in the Court of Common Pleas of Butler County, Pennsylvania, in *Commonwealth of Pennsylvania v. Steven Douglas Stowell*, Case No. CP-10-CR-0001040-2008, charging Dr. Stowell with Criminal Conspiracy and Violation of the Controlled Substance, Drug, Device, and Cosmetic Act, in violation of Pennsylvania Law. (St. Ex. 2A at 8)

The Information charges among other things that, between April 1 and November 26, 2006, in the Pennsylvania counties of Allegheny, Beaver, Butler, Lawrence, Mercer, and Westmoreland, Dr. Stowell committed the following offenses:

COUNT 68 – CRIMINAL CONSPIRACY – (FELONY)

[W]ith the intent of promoting or facilitating the crime of Acquisition of a Controlled Substance by Fraud, Forgery, or Subterfuge, [Dr. Stowell] did conspire and agree with [Patient 1] that they or one or more of them would

engage in conduct constituting such crime or crimes, and in furtherance thereof did commit the overt act of conspiring with [Patient 1] to unlawfully acquire or obtain possession of schedule II controlled substances, namely, Oxycodone and Morphine, in violation of [Pennsylvania law].

COUNTS 69 through 135 – VIOL CONTROLLED SUBST, DRUG DEVICE & COSMETIC ACT – (Felony)

[T]he actor in violation of good faith in the course of professional practice, within the scope of the doctor patient relationship, in accordance with treatment principles accepted by a responsible segment of the medical profession, did on 67 occasions issue or authorize prescriptions for schedule II controlled substances, namely, Oxycodone and Morphine, to [Patient 1, a close family member], in violation of [Pennsylvania law].

(St. Ex. 2A at 8) (Emphases in original)

3. On October 8, 2008, the court entered the following order: “[U]pon oral motion of the District Attorney, the Information in this case is amended as follows: Counts 69 through 135 are consolidated into 1 count, being Count 69.” (St. Ex. 2A at 13A)

Further, Dr. Stowell appeared in court on that date and entered a plea of guilty to one felony count of Conspiracy/Violation of the Controlled Substance, Drug, Device & Cosmetic Act, in violation of 18 Pennsylvania Consolidated Statutes [Pa. C.S.A.] 903(a)(1) as applied to 35 Pa. C.S.A. 780-113(a)(12); and one consolidated felony count of Violation of the Controlled Substance, Drug, Device & Cosmetic Act – Delivery by Practitioner, in violation of Pa. C.S.A. 780-113-(a)(14). The court accepted Dr. Stowell’s guilty pleas and found him guilty of those offenses. (St. Ex. 2A at 9-15)

4. On the Plea Agreement and Agreed Recommended Sentence entered by the parties and signed by the judge, the following handwritten statement appears: “Mitigated due to cooperation and delivery was to [Patient 1, a family member].” (St. Ex. 2A at 15)
5. On October 30, 2008, the court sentenced Dr. Stowell to 12 months of probation on each count for a total of 24 months of probation, required him to perform 25 hours of community service, ordered him to pay a fine of \$500.00 on each count, and ordered him to pay restitution in the amount of \$2,069.69. (St. Ex. 2A at 17-19)
6. Pursuant to Pennsylvania law, and as set forth in a January 9, 2009, Notice and Order of Automatic Suspension, the State Board of Medicine of the Commonwealth of Pennsylvania [Pennsylvania Board] automatically suspended Dr. Stowell’s license to practice medicine in Pennsylvania for at least ten years. The Pennsylvania Board based its action on Dr. Stowell’s October 2008 criminal convictions. (St. Ex. 5A)

FINDINGS OF FACT

1. On October 8, 2008, in the Court of Common Pleas of Butler County, Pennsylvania, Steven Douglas Stowell, M.D., pleaded guilty to, and was found guilty of, one felony count of Conspiracy/Violation of the Controlled Substance, Drug, Device & Cosmetic Act, in violation of 18 Pennsylvania Consolidated Statutes [Pa. C.S.A.] 903(a)(1) as applied to 35 Pa. C.S.A. 780-113(a)(12); and one consolidated felony count of Violation of the Controlled Substance, Drug, Device & Cosmetic Act – Delivery by Practitioner, in violation of Pa. C.S.A. 780-113-(a)(14).

On October 30, 2008, the court sentenced Dr. Stowell to 12 months of probation on each count, required him to perform 25 hours of community service, and ordered him to pay a fine of \$500.00 on each count.

2. As set forth in a January 9, 2009, Notice and Order of Automatic Suspension, the State Board of Medicine of the Commonwealth of Pennsylvania [Pennsylvania Board] automatically suspended Dr. Stowell's license to practice medicine in Pennsylvania for at least ten years. The Pennsylvania Board based its action on Dr. Stowell's criminal convictions, which are described in Finding of Fact 1, above.

CONCLUSIONS OF LAW

1. The conduct of Steven Douglas Stowell, M.D., as set forth in Finding of Fact 1, above, individually and/or collectively, constitutes “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.
2. Dr. Stowell's guilty pleas and/or the judicial finding of guilt as set forth in Finding of Fact 1, above, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.
3. The Pennsylvania Board's January 9, 2009, Notice and Order of Automatic Suspension, as set forth in Finding of Fact 2, above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice * * *,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

DISCUSSION CONCERNING THE PROPOSED ORDER

The evidence establishes that Dr. Stowell was convicted of two drug-related felonies relating to providing schedule II controlled substances to a close family member, which resulted in a

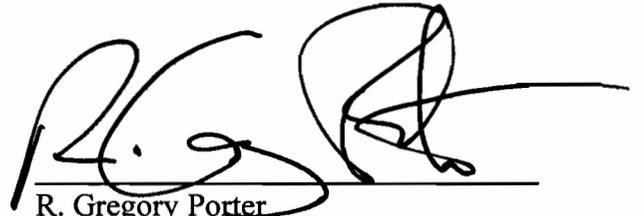
suspension of his Pennsylvania medical license for at least ten years. Dr. Stowell did not present any evidence on his own behalf; consequentially, there is no mitigating evidence for the Hearing Examiner or the Board to consider. Based upon the seriousness of Dr. Stowell's violations of the Ohio Medical Practices Act, the Hearing Examiner proposes the permanent revocation of Dr. Stowell's Ohio medical license.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Steven Douglas Stowell, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



R. Gregory Porter
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 9, 2009

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Madia announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings And Proposed Order appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of: Milton Lee Brindley, M.D.; Refaat Hegazi, M.D.; Christine C. McKain, M.D.; Ana Aleyda Rychwalski, M.D.; Steven Douglas Stowell, M.D.; and Robert T. McKinney, M.T. A roll call was taken:

| | | |
|------------|----------------|-------|
| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Talmage | - aye |
| | Dr. Suppan | - aye |
| | Dr. Varyani | - aye |
| | Mr. Ogg | - aye |
| | Dr. Strafford | - aye |
| | Mr. Hairston | - aye |
| | Dr. Amato | - aye |
| | Dr. Stephens | - aye |
| | Dr. Mahajan | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Madia | - aye |

Dr. Madia asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation.; A roll call was taken:

| | | |
|------------|----------------|-------|
| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Talmage | - aye |
| | Dr. Suppan | - aye |
| | Dr. Varyani | - aye |
| | Mr. Ogg | - aye |
| | Dr. Strafford | - aye |
| | Mr. Hairston | - aye |
| | Dr. Amato | - aye |
| | Dr. Stephens | - aye |
| | Dr. Mahajan | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Madia | - aye |

Dr. Madia noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.;

Dr. Madia reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

Dr. Talmage left the meeting during the previous discussion.

.....

STEVEN DOUGLAS STOWELL, M.D.

.....

Dr. Suppan left the meeting during the previous discussion.

DR. MAHAJAN MOVED TO APPROVE AND CONFIRM MR. PORTER’S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF STEVEN DOUGLAS STOWELL, M.D. DR. STEPHENS SECONDED THE MOTION.

.....

A vote was taken on Dr. Mahajan’s motion to approve and confirm:

| | | |
|------------|----------------|-----------|
| ROLL CALL: | Mr. Albert | - abstain |
| | Dr. Varyani | - aye |
| | Mr. Ogg | - aye |
| | Dr. Strafford | - aye |
| | Mr. Hairston | - aye |
| | Dr. Amato | - aye |
| | Dr. Stephens | - aye |
| | Dr. Mahajan | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Madia | - aye |

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

April 8, 2009

Case number: 09-CRF- **047**

Steven Douglas Stowell, M.D.
400 Shannon Road
Cranberry Township, PA 16066

Dear Dr. Stowell:

In accordance with Sections 2929.42 and/or 3719.12, Ohio Revised Code, the Office of the District Attorney for Butler County, Pennsylvania, reported that on or about October 8, 2008, you pled guilty to, and were subsequently found guilty of one felony count of Conspiracy/Violation Controlled Substance, Drug Device and Cosmetic Act, in violation of 18 Pa. C.S.A. 903(a)(1) / 35 Pa. C.S.A. 780-113(a)(12); and one consolidated felony count of Violation Controlled Substance, Drug Device and Cosmetic Act, in violation of 35 Pa. C.S.A. 780-113(a)(14).

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your certificate to practice medicine in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about October 8, 2008, in the Court of Common Pleas, Butler County, Pennsylvania, you pled guilty to, and were subsequently found guilty of one felony count of Conspiracy/Violation Controlled Substance, Drug Device and Cosmetic Act, in violation of 18 Pa. C.S.A. 903(a)(1) / 35 Pa. C.S.A. 780-113(a)(12); and one consolidated felony count of Violation Controlled Substance, Drug Device and Cosmetic Act, in violation of 35 Pa. C.S.A. 780-

Mailed 4.9.09

113(a)(14). On or about October 30, 2008, you were sentenced to twelve months of probation on each count, required to perform twenty-five hours of community service, and ordered to pay a fine of \$500.00 on each count.

- (2) On or about January 9, 2009, the State Board of Medicine of the Commonwealth of Pennsylvania, in Docket No. 0074-49-2009, automatically suspended for at least ten years, your license to practice medicine and surgery, pursuant to its Notice and Order of Automatic Suspension, a copy of which is attached hereto and incorporated herein. The State Board of Medicine of the Commonwealth of Pennsylvania based its action on your felony convictions, as alleged in paragraph (1) above.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Further, your plea of guilty and/or the judicial finding of guilt as alleged in paragraph (1) above, constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, the January 9, 2009 Notice and Order of Automatic Suspension of the State Board of Medicine of the Commonwealth of Pennsylvania as alleged in paragraph (2) above constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments,

Suspension
Steven Douglas Stowell, M.D.
Page 3

or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/SRS/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 6342
RETURN RECEIPT REQUESTED

cc: John Elash, Esq.
310 Grant Street
1302 Grant Building
Pittsburgh, PA 15219

CERTIFIED MAIL #91 7108 2133 3936 3068 6359
RETURN RECEIPT REQUESTED



Commonwealth of Pennsylvania
Department of State
Bureau of Professional and Occupational Affairs
STATE BOARD OF MEDICINE
P.O. BOX 2649
HARRISBURG, PA 17105-2649

Telephone: 717-783-1400
717-787-2381

Fax: 717-787-7769
www.dos.state.pa.us

February 6, 2009

2009 FEB 10 P 1:58

STATE MEDICAL BOARD
OF OHIO

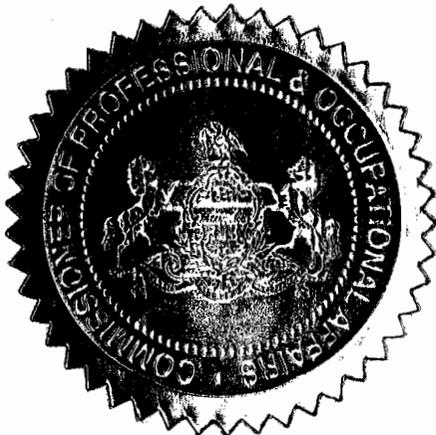
TO WHOM IT MAY CONCERN:

RE: Steven Douglas Stowell, M.D.

As custodian of the records of the State Board of Medicine, I certify that the enclosed copies of the Petition for Automatic Suspension and Notice and Order of Automatic Suspension, in the matter of Steven Douglas Stowell, M.D. are true and correct copies of the originals on file in the Board office.

Sincerely,

Tammy Radel, Administrator
Chief, Physician/Podiatrist Unit



OHIO STATE MEDICAL BOARD

FEB 10 2009

RECEIVED

IN THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

In the Matter of the Automatic
Suspension of the License to
Practice Medicine and Surgery of
Steven Douglas Stowell, M.D.
License No. MD 055279-L

:
:
:
:
:
:

Docket No. *1074*-49-2009
File No. 08-49-04386

Department of State

2009 JAN -9 AM 7:57

PROTHONOTARY

NOTICE AND ORDER OF AUTOMATIC SUSPENSION

WHEREAS, the records of the State Board of Medicine ("Board") reflect that Steven Douglas Stowell, M.D., ("Respondent"), is the holder of a license to practice medicine and surgery without restriction in the Commonwealth of Pennsylvania, license number MD 055279-L;

WHEREAS, the prosecuting attorney for the Commonwealth has filed a Petition for Automatic Suspension (Attachment "A"), including 1) the Police Criminal Complaint, *Commonwealth of Pennsylvania v. Steven Douglas Stowell*, Docket Number CR-181-08, Offense Tracking Number K 72762-0, 2) a criminal information that was filed pursuant to the Pennsylvania Rules of Criminal Procedure charging Respondent with violations of the Controlled Substance, Drug, Device and Cosmetic Act (Drug Act) at 35 P.S. §§780-101, *et seq.*, and the Crimes Code, 18 Pa. C. S. A. § 101, *et seq.*, including sixty-seven felony counts of Prescription of Controlled Substances by misrepresentation, fraud, forgery, deception or subterfuge, 35 P. S. § 780-113 (a)(12); one felony count of Criminal Conspiracy, 18 P. S. § 903(a)(1)/13(a)12; and sixty-seven felony counts of Prescription of Controlled Substances in violation of good faith in the course of his professional practice, within the scope of a doctor patient relationship, 35 P.S. 780-113(a)(14), and

2009 FEB 10 P 1:58

STATE MEDICAL BOARD
OF OHIO

OHIO STATE MEDICAL BOARD

FEB 10 2009

RECEIVED

3) a certified copy of Respondent's guilty pleas to one felony count of conspiracy, 18 Pa.C.S.A. 903(a)(1) / 35 Pa.C.S.A. 780-113(a)(12) and one felony count of Violation Controlled Substance, Drug Device & Cosmetic Act, 35 Pa.C.S.A. 780-113(a)(14); and

WHEREAS, the Medical Practice Act¹ at 63 P.S. §422.40(b), provides in pertinent part:

"(b) Automatic Suspensions. - A license or certificate issued under this act shall automatically be suspended upon the legal commitment to an institution of a licensee or a certificate holder because of mental incompetency from any cause upon filing with the Board a certified copy of such commitment, **conviction of a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as the Controlled Substance, Drug, Device and Cosmetic Act** or conviction of an offense under the laws of another jurisdiction which if committed in this Commonwealth would be a felony under the Controlled Substance, Drug, Device and Cosmetic Act. As used in this section, the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this subsection shall not be stayed pending an appeal of a conviction. Restoration of such license or certificate shall be made as hereinafter provided in the case of revocation or suspension of such license or certificate. (Emphasis added.)

STATE MEDICAL BOARD
OF OHIO

WHEREAS, Respondent on October 8, 2008 entered a plea of guilty and was sentenced under the Drug Act at 35 P.S. §§780-113(a)(14);

WHEREAS, Respondent's conviction with regard to controlled substances constitutes a felony pursuant to 35 P.S. §780-113;

NOW, THEREFORE the Board concludes that Respondent has been convicted of a felony under the Drug Act, and that the license to practice medicine and surgery issued to Respondent **Steven Douglas Stowell, M.D.**, license no. **MD 055279-L**, shall be **AUTOMATICALLY SUSPENDED** for at least ten years under the authority of sections 40(b) and 43(b) of the Medical Practice Act of 1985 (Act), Act of December 20, 1985, P.L. 457, as amended, 63 P.S. §§ 422.40(b), 422.43(b), effective immediately.

¹ Act of December 20, 1985 (P.L. 457, No. 112) as amended, 63 P.S. §§422.1 *et seq.*

Should Respondent choose to file an answer to the petition and a request a hearing, Respondent must do so by January 29, 2009, 20 days after the effective date of this order. If Respondent files an answer and request for hearing, the suspension of Respondent's license shall remain in effect until a final order is issued addressing the issues raised in the answer. Responses to the Petition and any hearing held in connection with the response shall be limited to the issue of whether Respondent was convicted of the offense(s) as alleged in the petition.

Responses to the petition and a request for hearing shall be filed with Kelly I Diller, Prothonotary, Bureau of Professional and Occupational Affairs, 2601 North Third Street, Harrisburg, PA 17110. A copy of any answer, request for hearing or petition for stay shall be served on the Prosecuting Attorney identified in the petition at the address set forth below.

Any hearing in connection with this matter shall be scheduled within 30 days of receipt of the request for a hearing. Continuances will only be granted for good cause shown.

If a response to the petition and a request for a hearing is not filed within the time period set forth above, Respondent's license will remain automatically suspended and a Final Order to that effect will be issued forthwith.

STATE MEDICAL BOARD
OF OHIO

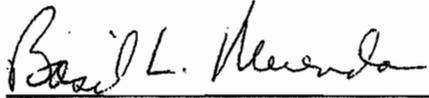
2009 FEB 10 P 1:58

OHIO STATE MEDICAL BOARD

FEB 10 2009

RECEIVED

**BUREAU OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS**



**BASIL L. MERENDA
COMMISSIONER**

Respondent's Address:

Prosecuting Attorney:

Board Counsel:

Date of Mailing:

BY ORDER:

STATE BOARD OF MEDICINE



**OLLICE BATES, JR., M.D.
CHAIRMAN**

400 Shannon Road
Cranberry Township, PA 16066

Andrew E. Demarest, Esquire
P. O. Box 2649
Harrisburg, PA 17105

Steven R. Dade, Esquire
P.O. Box 2649
Harrisburg, PA 17105

January 9, 2009

2009 FEB 10 P 1:58

STATE MEDICAL BOARD
OF OHIO

IN THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Steven Douglas Stowell, M.D.,
Respondent

:
:
:
:
:
: Docket No. *074-49-2009*
: File No. 08-49-04386
:
:

Department of State

2009 JAN - 9 AM 7:57

PROTHONOTARY

PETITION FOR AUTOMATIC SUSPENSION

AND NOW comes the Commonwealth of Pennsylvania, by and through its Prosecuting Attorney, Andrew E. Demarest, and files this Petition for Automatic Suspension and in support thereof avers the following:

2009 FEB 10 1:58

STATE MEDICAL BOARD
OF OHIO

1. **Steven Douglas Stowell, M.D.** (Respondent), is the holder of License No. MD055279L, issued by the State Board of Medicine (Board), authorizing Respondent to practice medicine and surgery without restriction in the Commonwealth of Pennsylvania.
2. Respondent's license expires on 12/31/2008, and may be continually renewed upon the filing of the appropriate documents and payment of the necessary fees.
3. Respondent retains a property interest in his license until and unless it is revoked by the Board.
4. Respondent's last known address on file with the Board is 400 Shannon Road, Cranberry Township, PA 16066.
5. At all times pertinent to the allegations in this Petition, Respondent was licensed to practice medicine and surgery in the Commonwealth of Pennsylvania.

6. In 2008, Respondent was arrested by the Pennsylvania Office of Attorney General and charged with multiple drug law violations. A true and correct copy of the Police Criminal Complaint is attached and incorporated as **Exhibit 1**.

7. On or about May 29, 2008, an Information was filed by the Butler County District Attorney in the Court of Common Pleas of Butler County, Pennsylvania, (Clerk of Courts No. 10-CR-1040-2008), charging Respondent with multiple felony drug violations involving oxycodone and morphine, schedule II narcotic controlled substances. Respondent was charged with 66 counts of Prescribing a Controlled Substance in Bad Faith by a Practitioner (counts 135 of the Bill of Information). These counts were felony violations of the Controlled Substance, Drug, Device and Cosmetic Act at 35 P.S. §780-113(a)(14).

8. A true and correct copy of the Information is attached and incorporated as **Exhibit 2**.

9. On or about October 8, 2008, Respondent entered a guilty plea to one count of Prescribing a Controlled Substance in Bad Faith by a Practitioner, a felony violation of the Controlled Substance, Drug, Device and Cosmetic Act at 35 P.S. §780-113(a)(14). Counts 69 through 135 of the Bill of Information were consolidated into the one (1) count by Timothy F. McCune, Judge of the Court of Common Pleas of Butler County. The one consolidated drug felony count is referred to in the guilty plea documents as count 69.

10. A true and correct copy of the Order of Court setting forth the guilty pleas entered by the Respondent is attached and incorporated as **Exhibit 3**.

11. On or about October 30, 2008, Respondent was sentenced to a period of 12 months probation on count 69 by Timothy F. McCune, Judge of the Court of Common Pleas of Butler County.

STATE MEDICAL BOARD
OF OHIO
2008 FEB 10 P 1:58

12. A true and correct copy of the Sentencing Order is attached and incorporated as

Exhibit 4.

13. Section 40(b) of the Medical Practice Act of 1985 (Act), Act of December 20, 1985, P.L. 457, as amended, 63 P.S. §422.40(b), provides in part:

A license... issued under this act shall automatically be suspended upon the conviction of a felony under the act of April 14, 1972(P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act or conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act. As used in this section, the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere...;

14. The Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act of April 14, 1972, P.L. 233, as amended, (Drug Act), at 35 P.S. Section 780-113(a)(14) prohibits:

(14) The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner...unless done (i) in good faith in the course of his professional practice;(ii) within the scope of the patient relationship;(iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

2009 FEB 10 P 1:59

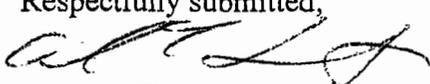
STATE MEDICAL BOARD
OF OHIO

15. The Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act of April 14, 1972, P.L. 233, as amended, at 35 P.S. Section 780-113 (f), classifies violations of Subsection 113(a)(14) regarding Schedule II and III controlled substances, as follows:

- (f) Any person who violates clause ... (14) ... of subsection (a) with respect to:
- (2) Any other controlled substance or counterfeit substance classified in Schedules 1, II or III, is guilty of a felony...

16. Oxycodone and Morphine are Schedule II controlled substances under the Pennsylvania Controlled Substance, Drug, Device and Cosmetic, an Act of April 14, 1972, P.L. 233, as amended, at 35 P.S. Section 780-104(2)(i) as further set forth in the regulations of the Secretary of Health at 28 Pa. Code section 25.72 (c)(6).

WHEREFORE, based upon the Respondent's felony drug conviction under the Controlled Substance, Drug, Device and Cosmetic Act, the Commonwealth petitions the Board to notify Respondent that, pursuant to Section 40(b) of the Medical Practice Act, the Act of December 20, 1985, P.L. 457, as amended, 63 P.S. §422.40(b), his license to practice medicine and surgery without restriction in the Commonwealth of Pennsylvania has been **AUTOMATICALLY SUSPENDED**, and that it order Respondent to **CEASE AND DESIST** from the practice of medicine and surgery in the Commonwealth of Pennsylvania.

Respectfully submitted,

Andrew E. Demarest
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
Legal Division
2601 North Third Street
Harrisburg, PA 17110

Dated: December 23, 2008

2009 FEB 10 P 1:59

STATE MEDICAL BOARD
OF OHIO