



Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

May 14, 1993

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Marx G. Bowens, M.D.  
300 Mt. Auburn Street  
Suite 303  
Cambridge, MA 02138

RE: License No. 094182  
Effective Date: 5/21/93

Dear Dr. Bowens:

Enclosed please find Order #BPMC 93-73 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :  
OF : ORDER  
MARX G. BOWENS, M.D. : BPMC 93-73

-----X

Upon the Application of MARX G. BOWENS, M.D.  
(Respondent) to Surrender his or her license as a physician in the  
State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof  
are hereby adopted; it is further

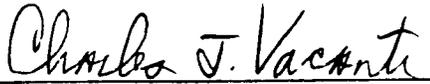
ORDERED, that the name of Respondent be stricken from  
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the  
restoration of Respondent's license until at least one year has  
elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the  
date of the personal service of this order upon Respondent, upon  
receipt by Respondent of this order via certified mail, or seven  
days after mailing of this order via certified mail, whichever is  
earliest.

SO ORDERED,

DATED: 10 May 1993

  
\_\_\_\_\_  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the three specifications of professional misconduct as set forth in the charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued

striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

  
MARX G. BOWENS, JR., M.D.  
Respondent

Sworn to before me this  
27<sup>TH</sup> day of APRIL, 1993

  
NOTARY PUBLIC

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER

OF

MARX G. BOWENS, JR., M.D.

: APPLICATION TO

: SURRENDER

: LICENSE  
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The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 27 April, 1993

Marx G. Bowens Jr. M.D.

MARX G. BOWENS, JR., M.D.  
Respondent

Date: May 3, 1993

Michael A. Hiser

MICHAEL A. HISER  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: May 13, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

Date: 10 May, 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson, State Board for  
Professional Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT  
OF : OF  
MARX G. BOWENS, Jr., M.D. : CHARGES  
-----X

MARX G. BOWENS, Jr., M.D., the Respondent, was authorized to practice medicine in New York State on June 25, 1965, by the issuance of license number 094182 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

A. On November 5, 1987, the Board of Registration in Medicine of the Commonwealth of Massachusetts (the "Massachusetts Board") issued a Statement of Allegations in Adjudicatory Case No. 87-26-CA to Respondent ordering him to show cause why he should not be disciplined for professional misconduct due to violations of Massachusetts General Law, ch. 112, secs. 5(b) and 61 and 243 CMR 1.03(5)(a)(2) (guilty of an offense against the laws relating to the practice of medicine); 243 CMR 1.03 (7) (requirement to respond to Complaint

Committee's Order to Answer); 243 CMR 2.07(12) (requirement to respond to written communication from Board); 243 CMR 2.07(13)(b)(1) (requirement to provide medical records or summary of records); and conduct which undermines the public confidence in the medical profession.

B. On March 2, 1988, the Massachusetts Board issued a Final Decision and Order in Adjudicatory Case No. 87-26-CA. In the Final Decision and Order, the Massachusetts Board made the following conclusions of law:

1. The Respondent violated 243 CMR 1.03(7) by failing to submit an answer to a complaint in a timely manner, after being ordered to do so by the Complaint Committee of the Board.
2. The Respondent violated 243 CMR 2.07(12) by failing to respond in a timely manner to a written communication from its Board or its designee.
3. The Respondent violated 243 CMR 2.07(13)(b), in that he failed for approximately one year to provide medical record information in response to the request of a former patient.
4. By reason of these violations, the Respondent violated Board Regulations and thus violated Massachusetts General Law Chapter 112, secs. 5(b) and 61 and 243 CMR 1.03(5)(a)(2).

C. Based on the above, the Board censured the Respondent and imposed a fine of \$1,000.

D. The conduct by the Respondent upon which the findings of improper professional practice or professional misconduct were based would, if committed in New York State, constitute professional misconduct under the laws of New York State,

specifically, N.Y. Education Law §6530(22) (failing to make available to a patient, upon request, documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client), and §6530(28) (failing to respond within thirty days to written communications from the department of health).

E. On or about November 7, 1990, a Consent Judgement was approved by the Board of Registration in Medicine of the Commonwealth of Massachusetts in settlement of Adjudicatory Case No. 91-2-XX.

F. By the conclusions of law in the Consent Judgment, Respondent was found to have committed misconduct in the practice of medicine in violation of 243 CMR 1.03(5)(a)(18). Respondent was also found to have violated a rule or regulation of the Board of Registration in Medicine, as prohibited by 243 CMR 1.03(5)(a)(17). The basis for these conclusions of law was Respondent's action in divulging confidential information regarding a patient's medical condition despite the patient's never having given consent or signed a release authorizing Respondent to divulge such confidential information. Respondent thus breached his duty of confidentiality to his patient.

G. Based on the conclusions of law stated above, Respondent was reprimanded and fined \$2,000.00.

H. The conduct of Respondent that resulted in the disciplinary action described in Paragraphs E, F, and G, would,

if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Education Law §6530(23) (revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF IMPROPER  
PROFESSIONAL PRACTICE OR PROFESSIONAL  
MISCONDUCT BY A DULY AUTHORIZED  
PROFESSIONAL DISCIPLINARY AGENCY  
OF ANOTHER STATE

Respondent is charged with having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(5)(b)], in that Petitioner charges:

1. The facts in Paragraphs A, B and B.1, B and B.2, B and B.3, B and B.4, C and D.

SECOND AND THIRD SPECIFICATIONS

HAVING DISCIPLINARY ACTION TAKEN  
AGAINST RESPONDENT BY A DULY  
AUTHORIZED PROFESSIONAL DISCIPLINARY  
AGENCY OF ANOTHER STATE

Respondent is charged with having disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(5)(d)], in that Petitioner charges:

2. The facts in Paragraphs A, B and B.1, B and B.2, B and B.3, B and B.4, C, and D.
3. The facts in Paragraphs E, F, G and H.

DATED: Albany, New York  
*May 31, 1993*

*Peter D. Van Buren*  
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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct