

F-0052

IN THE MATTER OF	§	BEFORE THE
	§	
THE LICENSE OF	§	TEXAS STATE BOARD
	§	
JOHN PARKS TROWBRIDGE, M.D.	§	OF MEDICAL EXAMINERS

AGREED ORDER

On this the 22 day of August, 1998, came on to be heard the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of John Parks Trowbridge, M.D. ("Respondent"). On October 21, 1994, Respondent appeared personally with his counsel, Randy Doubrava, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board dated October 7, 1994.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Terri Stewart, Ph.D., a member of the Board, and Robert K. Bass, M.D., a district review committee member. Upon recommendation of the Board's representatives and based on negotiation with Board staff and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent holds Texas medical license F-0052.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.

3. Respondent has been licensed to practice medicine in Texas since December 5, 1977.

4. The Board has received and investigated allegations which indicate that in his advertising Respondent used testimonials from his patients, who in their own words described their medical condition and the good results received from Respondent's treatment modality referred to as "reconstructive therapy." The results received by Respondent's patients are not contested. Although the American Medical Association's Code of Medical Ethics § 5.02 acknowledges that patient statements as to their experience with the physician's services may be made if factually supportable, the Board finds that patient statements as to their experience with the physician's services are prohibited by TEX. REV. CIV. STAT. ANN. art. 4512p § 4(b)(4) which prohibits the use of patient testimonials in advertising.

5. Respondent has cooperated with Board staff in its investigation of these allegations.

6. So as to avoid the expense and inconvenience of litigating the allegations, in lieu of further investigation or a hearing, and without admitting the truth of these allegations, Respondent agrees to the entry of this Agreed Order, and further agrees to comply with the terms and conditions set forth herein.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. Respondent has violated TEX. REV. CIV. STAT. ANN. art. 4512p § 4(b)(4) which prohibits the use of patient testimonials in advertising.

2. Section 4.02(h) of the Act authorizes the Board to resolve and make a disposition of this matter through an agreed order.

ORDER

1. Respondent is hereby issued a reprimand.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, JOHN PARKS TROWBRIDGE, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

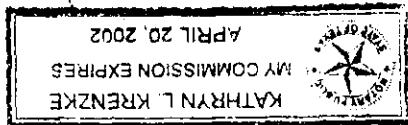
DATED: JULY 17, 1998


JOHN PARKS TROWBRIDGE, M.D.
RESPONDENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared JOHN PARKS TROWBRIDGE, M.D., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal of office this 17 day of July, 1998.



(Notary Seal)

Kathryn L. Krenzke
Signature of Notary Public

Kathryn L. Krenzke
Printed or typed name of Notary Public
My commission expires: 4.20.2002

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 22 day of August, 1998.

William H. Fleming
William H. Fleming, M.D.
President, Texas State Board of Medical Examiners