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KENNETH D. MOWER, M.D.
(Certificate No. 11995R)

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information relating to Kenneth D. Mower, M.D. ("Dr. Mower"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of medicine in the state of Nevada, but who is also licensed by the Board to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 11995R. Such information revealed, more particularly, that in November 2002 a Complaint was filed against Dr. Mower with the Board of Medical Examiners of the State of Nevada (the "Nevada Board") alleging that: (i) he engaged in unprofessional conduct by prescribing a lethal dose of Morphine to a patient who was in the emergency room after an attempted suicide, who was unconscious, comatose, not exhibiting pain and not terminally ill, who expired shortly after the Morphine was administered to the patient; and (ii) his continued practice of medicine during the pendency of the hearing on the complaint would endanger the health, safety and welfare of his patients,¹ the Nevada Board summarily suspended the license of Dr. Mower to practice medicine in the state of Nevada.² Such information indicates that following a hearing the Nevada Board found Dr. Mower guilty of charges asserted, concluded that he had failed to use reasonable care, skill or knowledge ordinarily used under similar circumstances in the treatment of the patient in violation of Nevada law,

¹*Complaint*, In the Matter of the Complaint Against Kenneth D. Mower, M.D., Case No. 02-5717-1, Nevada Board (Nov. 20, 2002).

2Order of Summary Suspension of License to Practice Medicine in the State of Nevada, In the Matter of the Complaint Against Kenneth D. Mower, M.D., Case No. 02-5717-1, Nevada Board (Nov. 21, 2002).

revoked his license to practice medicine in the state of Nevada and assessed costs of the proceedings in the amount of \$46,006.72.³

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Mower, charging him with violations of the Louisiana Medical Practice Act.⁴

By his subscription hereto, Dr. Mower acknowledges the substantial accuracy of the foregoing information as recited hereinabove and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on his license to practice medicine in the state of Louisiana.

Recognizing his right to have notice of such allegations and charges asserted against him to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §49:955-965, Dr. Mower, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter and acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court relating to the matters referred to herein. By his subscription hereto Dr. Mower also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Mower expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

³Order, In the Matter of the Complaint Against Kenneth D. Mower, M.D., Case No. 02-5717-1, Nevada Board (June 24, 2003).

⁴La. Rev. Stat. §37:1285A(29) provides that the Board may take action against the license of a physician as the result of '[T]he refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine . . . in that state or the revocation, suspension, or other restriction imposed on a license . . . issued by such licensing authority which prevents or restricts practice in that state.'

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state pursuant to La. Rev. Stat. §37:1261 will be effectively served by entry of the Order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Kenneth D. Mower, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 11995R, is hereby, effective as of the date hereof, indefinitely suspended.

IT IS FURTHER ORDERED that the reinstatement of Dr. Mower's license to practice medicine in the state of Louisiana shall be subject to his acceptance of and strict compliance with the following terms and conditions:

- 1. Practice of Medicine in Louisiana Prohibited.** Until and unless this Order is modified by subsequent written Order of the Board, at no time following the effective date of this Order shall Dr. Mower engage in the practice medicine in the state of Louisiana.
- 2. Reinstatement.** Consideration for reinstatement of Dr. Mower's license to practice in Louisiana shall be dependent upon the unrestricted reinstatement of his license to practice medicine in Nevada.
- 3. Notice of Relocation to Louisiana and Personal Appearance Before Board.** In the event that Dr. Mower should decide to relocate to Louisiana for the purpose of practicing medicine following the satisfaction of those terms set forth in paragraph two (2) above, he shall contact and arrange an appearance before the Board at its next regularly scheduled meeting. At such meeting Dr. Mower shall demonstrate his compliance with all of the terms imposed upon him by this Order and discuss his intended plans for practice in this state.
- 4. Additional Probationary Terms.** In addition to such other terms and conditions as are placed upon his license by this Order Dr. Mower hereby consents to, agrees with and acquiesces in the imposition of any additional probationary terms, conditions or restrictions, as well as the length and nature thereof, which in the sole discretion of the Board it may deem necessary or appropriate to impose upon any reinstated Louisiana medical license.
- 5. Verification of Compliance/Probation Officer.** Dr. Mower shall immediately notify the Board's Compliance/Probation Officer of any change in his current home and professional addresses and telephone numbers and he shall

cooperate with the Compliance/Probation Officer on all matters or inquiries pertaining to the conditions of this Order.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Mower shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Mower's license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 23RD day of March, ²⁰⁰⁴~~2003~~.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY: K E LeBlanc MD
~~ELMO J. LABORDE, M.D.~~
President
KIM EDWARD LEBLANC, MD, PhD

**ACKNOWLEDGMENT AND CONSENT
ON FOLLOWING PAGE**

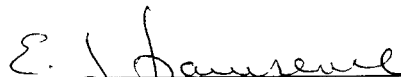
STATE OF NEVADA
COUNTY OF _____

ACKNOWLEDGMENT
AND CONSENT

I, KENNETH D. MOWER, M.D., hereby acknowledge, approve, accept and consent
to entry of the above and foregoing Order, this 21 day of January, 2003.


KENNETH D. MOWER, M.D.

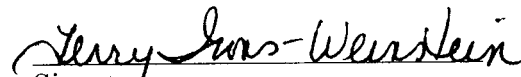
WITNESSES:


Signature

E. J. Lawrence
Typed Name

311 N. Pecos # 100
Address

Henderson, NV 89074
City, State, Zip Code

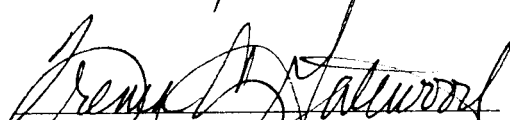

Signature

Terry Irons - Weinstein
Typed Name

311 N. Pecos Rd. # 100
Address

HENDERSON, NV 89074
City, State, Zip Code

Sworn to and subscribed before me at Kenneth D. Mower MD
Terry Irons, Joe Lawrence his 21
day of January, 2003, in the presence of the two stated witnesses.


Notary Public

