

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ROBERT S. FOWLER, M.D.**

4 Holder of License No. 20406
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-23-0278A

**ORDER FOR PROBATION; AND
CONSENT TO THE SAME**

7 Robert S. Fowler, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the
9 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of
12 the practice of allopathic medicine in the State of Arizona.

13 2. Respondent is the holder of license number 20406 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-23-0278A after receiving a complaint
16 regarding an email Respondent sent to his patients advertising a medical manual for sale
17 ("Patient 1"). The Board subsequently received an additional complaint from another of
18 Respondent's patients who had received the solicitation via email and text message
19 ("Patient 2"). Both complaints expressed concern regarding the tone of the email and the
20 implication that no other medical professional would be able to treat their medical
21 condition.

22 4. On March 8, 2023, Respondent sent an email to his patients offering to sell
23 them the Fowler Gyn Manual for treatment of vulvodynia and other gynecological
24 conditions at a starting price of \$1500.00. Respondent asserted that he had discovered
25 the underlying etiology for vulvodynia. The email described incremental price increases
over time and stated that the manual would be available upon Respondent's retirement

1 from the practice of medicine. Respondent's email further described the risk of relapse for
2 vulvodynia and asserted that without the manual, patients would not be able to treat their
3 symptoms after his retirement.

4 5. On March 25, 2023, Respondent sent a text message to his patients offering
5 the Fowler Gyn Manual for sale.

6 6. On April 30, 2023, Respondent sent an additional email to his patients,
7 apologizing for the statements made in his original solicitation.

8 7. Board staff requested Medical Consultant ("MC") review of Respondent's
9 solicitation as well as the care and treatment provided to Patients 1 and 2.¹

10 8. Patient 2 established care with Respondent in July, 2019 and was treated by
11 Respondent through March, 2023 for treatment of vulvodynia and other vaginal conditions.
12 Respondent utilized proprietary "VFA" testing at each of Patient 2's visit to manage
13 pharmacological treatment of her symptoms.

14 9. The standard of care for treatment of vulvodynia requires a physician to offer
15 adjunctive treatments such as pelvic floor therapy, if available. Respondent deviated from
16 this standard of care by failing to offer adjunctive therapy or other treatment options for
17 vulvodynia.

18 10. The MC also noted that there are several medical practitioners in the
19 Phoenix metro area who are qualified to treat vulvodynia. Furthermore, the MC
20 commented that the underlying etiology for vulvodynia has not been proven.

21 11. There was the potential for patient harm in that Respondent's patients were
22 at risk of misleading information regarding vulvodynia treatment options.

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¹ Respondent's treatment for Patient 1 exceeded the statute of limitations. A.R.S. § 32-1451.03(A).

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1 **b. Continuing Medical Education**

2 Respondent shall within 6 months of the effective date of this Order obtain no less
3 than 15 hours of Board Staff pre-approved Category I Continuing Medical Education
4 ("CME") in an intensive, in-person or virtual course regarding ethics. Respondent shall
5 within **thirty days** of the effective date of this Order submit his request for CME to the
6 Board for pre-approval. Upon completion of the CME, Respondent shall provide Board
7 staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours
8 required for the biennial renewal of medical licensure

9 **c. Obey All Laws**

10 Respondent shall obey all state, federal and local laws, all rules governing the
11 practice of medicine in Arizona, and remain in full compliance with any court ordered
12 criminal probation, payments and other orders.

13 **d. Tolling**

14 In the event Respondent should leave Arizona to reside or practice outside the
15 State or for any reason should Respondent stop practicing medicine in Arizona,
16 Respondent shall notify the Executive Director in writing within ten days of departure and
17 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
18 time exceeding thirty days during which Respondent is not engaging in the practice of
19 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
20 non-practice within Arizona, will not apply to the reduction of the probationary period.

21 **e. Probation Termination**

22 Prior to the termination of Probation, Respondent must submit a written request to
23 the Board for release from the terms of this Order. Respondent's request for release will
24 be placed on the next pending Board agenda, provided a complete submission is received
25 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for

1 release must provide the Board with evidence establishing that he has successfully
2 satisfied all of the terms and conditions of this Order. The Board has the sole discretion to
3 determine whether all of the terms and conditions of this Order have been met or whether
4 to take any other action that is consistent with its statutory and regulatory authority.

5 2. The Board retains jurisdiction and may initiate new action against
6 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

7 DATED AND EFFECTIVE this 7th day of February, 2024.

9 ARIZONA MEDICAL BOARD

10 By Pat E McSorley
11 Patricia E. McSorley
12 Executive Director

13 **CONSENT TO ENTRY OF ORDER**

14 1. Respondent has read and understands this Consent Agreement and the
15 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
16 acknowledges he has the right to consult with legal counsel regarding this matter.

17 2. Respondent acknowledges and agrees that this Order is entered into freely
18 and voluntarily and that no promise was made or coercion used to induce such entry.

19 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
20 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
21 this Order in its entirety as issued by the Board, and waives any other cause of action
22 related thereto or arising from said Order.

23 4. The Order is not effective until approved by the Board and signed by its
24 Executive Director.
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1 5. All admissions made by Respondent in this Order are solely for final
2 disposition of this matter and any subsequent related administrative proceedings or civil
3 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
4 are not intended or made for any other use, such as in the context of another state or
5 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
6 State of Arizona or any other state or federal court.

7 6. Notwithstanding any language in this Order, this Order does not preclude in
8 any way any other State agency or officer or political subdivision of this state from
9 instituting proceedings, investigating claims, or taking legal action as may be appropriate
10 now or in the future relating to this matter or other matters concerning Respondent,
11 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
12 acknowledges that, other than with respect to the Board, this Order makes no
13 representations, implied or otherwise, about the views or intended actions of any other
14 state agency or officer or political subdivisions of the State relating to this matter or other
15 matters concerning Respondent.

16 7. Upon signing this agreement, and returning this document (or a copy thereof)
17 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
18 the Order. Respondent may not make any modifications to the document. Any
19 modifications to this original document are ineffective and void unless mutually approved
20 by the parties.

21 8. This Order is a public record that will be publicly disseminated as a formal
22 disciplinary action of the Board and will be reported to the National Practitioner's Data
23 Bank and on the Board's web site as a disciplinary action.

24 9. If any part of the Order is later declared void or otherwise unenforceable, the
25 remainder of the Order in its entirety shall remain in force and effect.

1 10. If the Board does not adopt this Order, Respondent will not assert as a
2 defense that the Board's consideration of the Order constitutes bias, prejudice,
3 prejudgment or other similar defense.

4 11. Any violation of this Order constitutes unprofessional conduct and may result
5 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,
6 consent agreement or stipulation issued or entered into by the board or its executive
7 director under this chapter.") and 32-1451.

8 12. ***Respondent has read and understands the conditions of probation.***
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12 ROBERT S. FOWLER, M.D.

DATED: 1-8-24

13 EXECUTED COPY of the foregoing mailed
14 this 8th day of February, 2024 to:

15 7th February
16 Scott A. Holden, Esq.
17 Holden & Armer, P.C.
18 4505 East Chandler Boulevard, Suite 210
19 Phoenix, Arizona 85048
20 Attorney for Respondent.

21 ORIGINAL of the foregoing filed
22 this 7th day of February, 2024 with:

23 Arizona Medical Board
24 1740 West Adams, Suite 4000
25 Phoenix, Arizona 85007


Board staff