

State of Rhode Island  
Department of Health  
Board of Medical Licensure and Discipline



**IN THE MATTER OF:**  
**Paul Bowary, MD**  
**License No.: MD 17092**  
**Case No.: C20-1404**

**VOLUNTARY AGREEMENT NOT TO PRACTICE MEDICINE**

Paul Bowary, MD ("Respondent") is a physician licensed pursuant to R.I. Gen. Laws § 5-37-1 *et seq.* and holds license number MD17092. Respondent wishes to voluntarily agree not to practice medicine pending resolution of issues described below.

**FINDINGS OF FACT**

1. Respondent is a physician, licensed to practice in Rhode Island under the above-referenced medical license.
2. Respondent has been licensed to practice as a physician in Rhode Island since April 28, 2020.
3. Respondent graduated from the American University of Beirut Faculty of Medicine in 2014.
4. Respondent completed his residency in psychiatry at Butler Hospital/Brown University on June 12, 2020. He is presently employed by Care New England Medical Group at Butler Hospital.

5. Respondent took the USMLE Step 3 Examination on April 8, 2018 and December 18, 2018. The USMLE Step 3 Examination is cosponsored by the National Board of Medical Examiners ("NBME") and the Federation of State Medical Boards ("FSMB").
6. Respondent has represented to the Board that he received an email dated July 8, 2019, the sender of which is identified as webmail@nbme.org, ("NBME Email"), indicating that the score of Respondent's April 8, 2018 USMLE Step 3 Examination had been submitted to a recheck process, resulting in a passing score. Respondent further represented that attached to that email was a document entitled "United States Medical Licensing Examination Step 3 Score Report" ("USMLE Score Report") which reflected that passing score.
7. Respondent submitted a Uniform Application for Physician State Licensure ("Uniform Application") to the Board, which was received on February 12, 2020. Prior to submitting that Uniform Application, respondent had caused a portfolio of his credentials ("FCVS Credentials Portfolio") to be created and maintained by the Federation Credentials Verification Service ("FCVS"). The results of Respondent taking the USMLE Step 3 Examination were reported to FCVS by NBME and made part of his FCVS Credentials Portfolio. In connection with Respondent's submission of the Uniform Application, the Board was granted access to Respondent's FCVS Credentials Portfolio.
8. Respondent's FCVS Credentials Portfolio reflects that, as of the date of his submission of the Uniform Application, Respondent had twice taken the USMLE Step 3 Examination, most recently on December 28, 2018, but had failed the exam.
9. Pursuant to Section 1.5.4(B) of the rules and regulations for Licensure and Discipline of Physicians (216-RICR-40-05-1), as a precondition to licensure, applicants for licensure as a

physician in Rhode Island are required to pass the USMLE Step 3 Examination or other equivalent examination as determined by the Board.

10. On March 4, 2020, Respondent was contacted by a representative of the Board regarding the fact that his FCVS Credentials Portfolio indicated he had failed the USMLE Step 3 Examination.

11. On March 5, 2020, Respondent submitted to that representative of the Board copies of the NBME Email and the USMLE Score Report. On April 28, 2020, Respondent's counsel at the time also submitted a copy of the USMLE Step 3 Score Report to the Board. Based on the provided documents, the Board accepted that Respondent had passed USMLE Step 3 and Respondent was granted licensure by the Board on April 28, 2020.

12. Respondent represents that, separately, he immediately contacted NBME, inquiring why a failing grade for his USMLE Step 3 Examination had been reported to FCVS for his FCVS Credentials Profile in light of the fact that the July 8, 2019 NBME Email and attached USMLE Score Report indicated a recheck of the score on his April 8, 2018 USMLE Step 3 Examination had resulted in a passing score.

13. Respondent represents that on March 6, 2020, Respondent provided NBME and USMLE with copies of the July 8, 2019 NBME Email and attached USMLE Score Report. Respondent was informed that the Office of the USMLE Secretariat would investigate the matter.

14. On March 10, 2020, Respondent informed a representative of the Board that the Office of the USMLE Secretariat was investigating the matter.

15. Thereafter, Respondent, through counsel, self-reported to the Board a letter that he received from the Office of the USMLE Secretariat, dated September 23, 2020, informing Respondent that the USMLE Committee for Individualized Review ("CIR") had completed its review of the

investigation into Respondent's USMLE Step 3 Examination Score and concluded that the NBME Email and attached USMLE Step 3 Score Report were not accurate and authentic. As a result, Respondent's FCVS Credentials Portfolio would continue to reflect he had failed the USMLE Step 3 Examination.

16. Respondent denies and refutes the conclusions of the CIR in their entirety. Respondent represents that he is appealing the determination by the CIR and intends to provide evidence to the CIR and the Board proving the accuracy and authenticity of the NBME Email and attached USMLE Step 3 Score Report.

17. The Board and Respondent agree to Respondent not practicing medicine until the issues concerning his USMLE Step 3 Examination score can be resolved.

**Based on the foregoing, the parties agree as follows:**

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board.
3. If this Consent Order is ratified by the Board, Respondent hereby acknowledges and waives with respect to this Consent Order:
  - a. The right to appear personally or by counsel or both before the Board;
  - b. The right to produce witnesses and evidence on his behalf at a hearing;
  - c. The right to cross examine witnesses;
  - d. The right to have subpoenas issued by the Board;
  - e. The right to further procedural steps except for those specifically contained herein;
  - f. Any and all rights of appeal of this Consent Order;



g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and

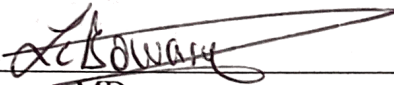
h. Any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the Rhode Island Department of Health ("RIDOH") public website.

4. Respondent voluntarily agrees not to practice medicine until: (1) USMLE determines that Respondent has successfully passed the USMLE Step 3 Examination; or (2) Respondent notifies the Board in writing that he wishes to terminate this Consent Order and his agreement not to practice medicine, in which case Respondent will not return to practicing medicine until the seventh day following the date he submits that written notice to the Board.

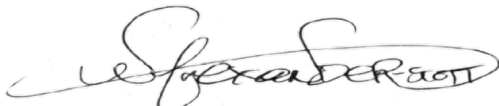
5. If Respondent violates any term of this Consent Order after it is signed and ratified by all parties, the Director of RIDOH ("Director") shall have the discretion to impose disciplinary action pursuant to R.I. Gen. Laws §§ 5-37-5.1 through 5-37-6.3, including immediate suspension of his medical license pursuant to and as permitted by R.I. Gen. Laws §§ 5-37-8 and 42-35-14(c). If the Director imposes further disciplinary action, Respondent shall be given notice. Any further disciplinary action shall be in accordance with applicable law. In the absence of any statutory or regulatory provision to the contrary, Respondent shall have 20 days from the date of such further disciplinary action to request a hearing. In the event Respondent's license is summarily suspended, a hearing on such suspension shall be held within 10 days of the suspension, in accordance with applicable law. The Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Board may suspend Respondent's license or impose further discipline as described above if any alleged violation is proven by a preponderance of evidence. Any administrative hearings,

whether initiated by the Director or the Respondent, shall be conducted in accordance with R.I. Gen.Laws §§ 5-37-5.1 through 5-37-6.3 and/or R.I.Gen.Laws §§ 5-37-8 and 42-35-14(c) , the Rules and Regulations for the Licensure and Discipline of Physicians (216-RICR-40-05-1), the Rules and Regulations for Practices and Procedures Before the Rhode Island Department of Health (216-RICR-10-05-4), and applicable provisions of R.I. Gen. Laws Chapter 42-35, including § 42-35-9 through 42-35-13. Any discipline ultimately imposed pursuant to this paragraph is appealable pursuant to Rhode Island Gen. Laws §§ 5-37-37 et seq. and 42-35-15 et seq.

Signed this 14<sup>th</sup> day of October, 2020.

  
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Paul Bowary, MD

Ratified by the Board of Medical Licensure and Discipline on the 15<sup>th</sup> day of October, 2020.

  
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