

STATE OF RHODE ISLAND

**DEPARTMENT OF HEALTH
DIVISION OF CUSTOMER SERVICES
CENTER FOR PROFESSIONAL BOARDS AND LICENSING**

**IN THE MATTER OF: THOMAS P. SOWA
LICENSEE NO.: DCP00285
COMPLAINT ID #: C22-1035**

CONSENT ORDER FOR VOLUNTARY SURRENDER

Thomas Sowa ("Respondent") is a Doctor of Chiropractic with Physiotherapy pursuant to R. I. Gen. Laws §§ 5-30.1-1 *et seq* and holds license number DCP00285 (the "License"). Respondent wishes to voluntarily surrender the License, reserving the right to petition for reinstatement pending resolution of the ongoing legal criminal matters and disciplinary matters before the Rhode Island Department of Health ("RIDOH") set forth below.

Respondent admits that RIDOH has jurisdiction over this matter and agrees to waive further procedural steps and any right to appeal this Consent Order. Respondent further agrees that RIDOH may make Findings of Facts and Conclusions of Law set forth below. *Respondent neither admits nor denies that his signature on this Consent Order constitutes an admission that he has violated any law or regulation.*

FINDINGS OF FACT

1. That Respondent is a Doctor of Chiropractic with Physiotherapy licensed to practice in the State of Rhode Island under the License.
2. That Respondent has been licensed to practice as a Doctor of Chiropractic in the State of Rhode Island since April 14, 1988.
3. That, at all times, during which the incidents described in the Paragraph(s) below took place, Respondent was employed at his own practice at 175 Nate Whipple Highway, Suite 205, Cumberland, Rhode Island 02864.

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4. That on or about August 24, 2022, the Rhode Island Department of Health (RIDOH) received notice that Respondent allegedly touched Patient A in areas which were not clinically appropriate, to wit:
 - (a) On or about June 11, 2022, June 18, 2022 and June 21, 2022 during three visits providing chiropractic services, Respondent requested Patient A to fully undress with no covering and engaged in a full body massage encompassing Patient A's breasts, nipples, buttocks and between the legs.
5. On August 25, 2022, Respondent was arrested by the Cumberland Police Department (Arrest #22-350-AR). Arrest Report states that Respondent was charged with Sexual Assault – 2nd Degree on June 11, 2022, June 18, 2022 and June 21, 2022 resulting in a felony charge on all 3 counts. Respondent was also charged with simple assault or battery on June 21, 2022 resulting in a misdemeanor.
6. That Respondent has been subjected to RIDOH's disciplinary proceedings three times in less than three years, to wit:
 - (a) December 2019, a consent order was entered issuing a sanction of a six-month suspension followed by a one-year probationary period. This sanction was issued for inappropriately massaging a female patient. This probationary period included the hiring of a chaperone to be present during female patient visits;
 - (b) July 2020, a summary suspension was issued for accepting a female patient for an appointment while he was intoxicated and was without the necessary chaperone; and
 - (c) December 2020, a consent order was entered issuing a sanction of suspension for a term that had been satisfied by way of the prior summary suspension. This sanction was issued for violation of the December 2019 probationary terms in that Respondent attempted to conduct an appointment while intoxicated and for failing to comply with an effective Consent Order (requiring a female chaperone for all appointments with female patients).
7. On August 26, 2022, RIDOH issued a Summary Suspension of Chiropractic License notifying Respondent that his license is hereby SUSPENDED until further Order of RIDOH. A suspension hearing was scheduled for September 2, 2022.
8. On August 26, 2022, RIDOH issued a Notice of Hearing and Specification of Charges notifying Respondent that a license revocation hearing was scheduled for September 2, 2022.

CONCLUSIONS OF LAW

1. That the conduct described in Paragraphs four (4) through five (5) constitutes conduct subject to disciplinary proceedings pursuant to R.I. Gen. Laws § 5-30-13, including subparagraphs (b)(9) and (b)(11) thereof which specifically prohibit violations that are repeated violations and

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violations of immorality or gross misconduct, and the Rules and Regulations for Licensure and Discipline of Chiropractic Physicians, 216-RICR-40-05-17.

Whereas Respondent wishes to postpone and potentially moot an administrative hearing on the suspension and revocation of his license, and whereas Respondent agrees to voluntarily enter into a Consent Order for Surrender of his license, and whereas RIDOH finds the within disposition adequately protective of the public health, safety, and welfare and for good cause shown,

IT IS THEREFORE AGREED AND ORDERED:

- 1 That Respondent admits to the jurisdiction of RIDOH and hereby agrees to remain under the jurisdiction of RIDOH.
- 2 That Respondent has read and comprehended the Consent Order, and understands that this Consent Order shall be subject to final approval of RIDOH and is not binding on Respondent until final signature by RIDOH.
- 3 That if approved by RIDOH, Respondent hereby acknowledges and waives, relative to this Consent Order:
 - i) The right to appear personally or by counsel, or both, before RIDOH;
 - ii) The right to produce witnesses and evidence on his behalf at a hearing;
 - iii) The right to cross-examine witnesses presented by RIDOH;
 - iv) The right to have subpoenas issued by RIDOH;
 - v) The right to further procedural steps except for those specifically contained herein;
 - vi) Any and all rights of appeal of this Consent Order; and
 - vii) Any objection that this Consent Order will (i) be reported to the National Practitioner Data Bank, (ii) be posted on the RIDOH's public website, or (iii) become a permanent part of Respondent's record and a part of the public record of this proceeding.

ACCORDINGLY, AND BASED ON THE FOREGOING

RIDOH and Respondent hereby agree to the following:

1. Respondent shall voluntarily surrender the License, reserving the right to petition for reinstatement, if necessary, pending final resolution of the legal criminal matters and pending final resolution of disciplinary matters before RIDOH, set forth herein, whichever comes later without making any admissions and without prejudice to the ability to defend any action brought based on the above allegations.

2. If the Respondent is acquitted of all pending criminal charges as noted above in Findings of Fact ¶5, the Respondent shall provide notice to the RIDOH and, upon notice being provided, if the RIDOH finds him clinically competent, his license shall be reinstated. The Respondent must provide the following to the Board to be deemed clinically competent:

(a) Respondent must personally appear before the Board to provide an oral presentation in support of his request for the reinstatement of his license.

(b) Respondent shall bear the burden of proving that he possesses sufficient knowledge, judgment, skills, abilities, and character qualifications to practice as a chiropractor.

3. Respondent shall continue to cease and desist from representing himself as a licensed Chiropractor in the State of Rhode Island, engaging in chiropractic practice in any form and representing himself as a licensed Chiropractor in the State of Rhode Island, pending further Order of RIDOH.

4. If Respondent violates any term of this Consent Order, RIDOH shall have the discretion to impose disciplinary action, including immediate suspension and/or revocation of the License. If RIDOH imposes further disciplinary action, Respondent shall be given notice of such action and shall have the right to request a hearing within twenty (20) days of such discipline.



Thomas P. Sowa

Date Signed:





[RIDOH signature authority]

Chief, Licensing and Professional Boards

Date Signed:

