

TEXAS STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE)(DULY IN SESSION AT
)(
COMPLAINT AGAINST)(1101 CAMINO LA COSTA
)(SUITE 201
JOHN PARKS TROWBRIDGE, M.D.,)(
RESPONDENT)(AUSTIN, TEXAS

ORDER

On this the 27th day of October, 1990, came on to be heard for final action by the Texas State Board of Medical Examiners, duly in session, the matter of John Parks Trowbridge, M.D., Respondent herein, wherein the Texas State Board of Medical Examiners was represented by Roger Schultz, Staff Attorney, Texas State Board of Medical Examiners, and Respondent was represented by David Hilgers. It was alleged that Respondent violated Section 3.08, subsection (6) of Article 4495b, Texas Revised Civil Statutes. The matter was heard in public hearing on July 10-11, 1990, before Steven L. Martin, Hearing Officer duly appointed by the Texas State Board of Medical Examiners. After consideration of the Proposal for Decision submitted to the Texas State Board of Medical Examiners by the Hearing Officer and argument of counsel, the Texas State Board of Medical Examiner makes the following Findings of Fact:

FINDINGS OF FACT

1. Respondent is a physician licensed by the Texas State Board of Medical Examiners.

2. A hearing in this matter was held on July 10-11, 1990, in the offices of the Texas State Board of Medical Examiners, at 1101 Camino La Costa, Suite 201, Austin, Texas.

3. Proper and timely notice of the hearing was provided to all parties.

4. Present for the hearing were Steven L. Martin, Hearing Officer; Roger Schultz, Staff Attorney, Texas State Board of Medical Examiners; John Parks Trowbridge, M.D., Respondent; and David W. Hilgers and Betsy H. Bender, attorneys for Respondent.

5. Witnesses testifying at the hearing were Robert A. Ersek, M.D., and Rogers Coleman, M.D., witnesses on behalf of the Texas State Board of Medical Examiners; James P. Carter, M.D., witness on behalf of Respondent; and Amanda Wagner, Richadeane Williams, and Emery Tekacs, patients of Respondent and witnesses on his behalf.

6. The hearing was conducted pursuant to, and under the authority of, Article 4495b, Texas Revised Civil Statutes; Article 6252-13a, Texas Revised Civil Statutes; Hearing Rules of the Texas State Board of Medical Examiners; and pertinent Texas Rules of Civil Procedure.

7. The Face2 Nonsurgical Facelift brochure identifies the "nonsurgical facelift" procedure as a refinement of the chemical peel process.

8. The term "facelift" is commonly used in reference to a chemical peel procedure.

9. The term "nonsurgical facelift" is a common term used to refer to a chemical peel procedure.

10. The term "nonsurgical facelift" implies that no surgery will be done.

11. "Nonsurgical facelift" is not a conflict of terms in the commonly accepted and understood manner in which it is used.

12. The AMA Book of Skin and Hair Care contains the following statement: "This treatment [superficial chemosurgery using caustic agents] is very effective in the improvement of perioral (around the mouth) and periorbital (around the eyes) wrinkling. No other modality has given as satisfactory a result."

13. The terms "AMA" and "American Medical Association" are prominently displayed throughout the AMA Book of Skin and Hair Care.

14. The title page of AMA Book of Skin and Hair Care indicates the book was prepared in consultation with members of the AMA Committee on Cutaneous Health and Cosmetics.

15. The AMA Book of Skin and Hair Care indicates that AMA staff aided in preparation of the book.

16. The AMA Book of Skin and Hair Care is identified as "this guide from the American Medical Association."

17. The AMA Book of Skin and Hair Care indicates copyright by the American Medical Association for 1971 and 1976.

18. At the time Respondent made statements that the chemical peel process he utilized was based on the method approved as effective by the American Medical Association, no communication had been made to Respondent that the AMA position was that they had not approved any general or specific method of the chemical peel procedure.

19. At the time Respondent was notified that there was a question as to his statement regarding AMA approval, Respondent ceased to make or distribute such statement.

20. The chemical peel process affects the physiological aging process and causes an individual to appear younger.

21. A potential patient of Respondent's would not believe that the chronological aging process was reversed or slowed.

22. In the context of Respondent's brochure, "Face2 Nonsurgical Facelift" (Board's Exhibit 2), the statement that the process "slows down aging" is explained to mean changes in the physiological aging process.

23. Within the two sets of two photographs in Respondent's brochure (Board's Exhibit 2) the one on the left in each case is the "before" picture and the one on the right is the "after" picture.

24. It is standard practice with "before" and "after" pictures for the "before" picture to be on the left and the "after" picture to be on the right.

Based on the above Findings of Fact, the Board makes the following Conclusions of Law:

CONCLUSIONS OF LAW

1. There was no evidence that Respondent's statements concerning chelation therapy were false, misleading, or deceptive.

2. Respondent did not engage in the use of an advertising statement that is false, misleading or deceptive.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Texas State Board of Medical Examiners take no action against the license to practice medicine within the state of Texas heretofore held by John Parks Trowbridge, M.D.

RENDERED AND ENTERED, this 27th day of October, 1990.


President

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