

IN THE MATTER OF  
JOHN E CODWELL DPM

98-103

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BEFORE THE TEXAS STATE  
BOARD OF PODIATRIC  
MEDICAL EXAMINERS

SITTING IN AUSTIN

LICENSE NO. 1279

TRAVIS COUNTY, TEXAS

### AGREED BOARD ORDER

BE IT REMEMBERED that on 2/18/1999, came on to be considered the allegations against John Codwell D.P.M. By letter dated July 16, 1998, the Texas State Board of Podiatric Medical Examiners Board gave preliminary notice to Dr. Codwell of its intent to investigate complaints, concerns, or reports filed against him. Dr. Codwell was duly notified of the allegations against him. Dr. Codwell has cooperated with the Board.

This order is executed under the authority of the Podiatric Medical Practice Act of Texas, Tex. Rev. Civ. Stat. Ann., Art. 4573d, which allows contested cases to be resolved informally. Dr. Codwell, agrees to waive his rights to a formal hearing on this matter upon the signing of this order.

Dr. Codwell agrees to the following order and agrees to the findings of fact, the conclusions of law and the order set out herein:

#### FINDING OF FACT

1. Dr. Codwell is licensed as a podiatric physician in the State of Texas by the (License Number 1279) to practice podiatric medicine in the State of Texas and is therefore subject to the jurisdiction of the Board, the Podiatric Medical Practice Act and the rules of the Board.
2. A complaint was filed against Dr. Codwell and he was provided with an opportunity to respond to the complaint and to show compliance with the law.
3. Dr. Codwell, as a podiatrist licensed in the State of Texas, must comply with the provisions of the Texas Podiatric Medical Practice Act of Texas, the Board rules and Board orders.
4. After discussion of the matters outlined in this Order, and subsequent communications between Dr. Codwell and Board staff, the Board and Dr. Codwell, in order to avoid the expense, delay and uncertainty of a hearing, have agreed to the entry of an Agreed Order, dispensing with the need for further action in this matter. By his signature on the Order, Dr. Codwell does hereby waive his right to a formal hearing before the State Office of Administrative Hearings, and judicial review of the Order.
5. Dr. Codwell, was negligent by not properly evaluating his patient prior to surgery, in relation to her vascular status.

#### CONCLUSIONS OF LAW

1. Dr. Codwell is required to follow the provisions of the Podiatric Medical Practice Act, Tex. Civ. Stat. Ann., Art. 4567, et. seq., and associated rules of the Board.
2. Art. 4573 (b) and Ch. 376, 22 Tex. Admin. Code provides for the disciplining of a licensee who violates this Board's statute and/or rules.
3. Dr. Codwell failed to properly evaluate his patient prior to surgery in relation to her vascular status; therefore, he was is in violation of the Texas Podiatric Medical Practice Act, Tex. Civ.

Stat. Ann., Art. 4570 (d) (16), and Section 375.2 (a) of Title 22 of the Texas Administrative Code.

ORDER

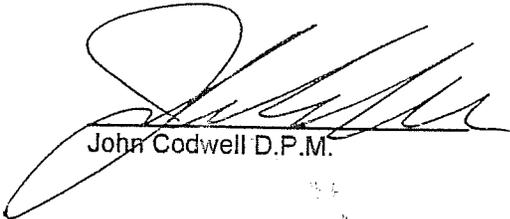
THEREFORE, PREMISES CONSIDERED, This orders and Dr. Codwell agrees to the following:

1. Dr. Codwell is to pay a fine of \$5,000.00 (five thousand dollars), by check made payable to the Texas State Board of Podiatric Medical Examiners. The fine is due within ten (10) months of formal notice by this State Board of this Order.
2. Dr. Codwell is to do a research paper of standard college format and is to be completed and submitted to the Texas State Board of Podiatric Medical Examiners within 30 days of finalization of this agreement. The topic is to be Vascular Evaluations and is to include doppler studies, arteriograms, and physical exam technique. The paper is to be at least 10 pages typewritten.
3. Failure to complete this agreement within this time will result in an additional fine of \$2,500.00 (twenty five hundred dollars).

***This order does not prohibit the Texas State Board of Podiatric Medical Examiners from exercising its regulatory functions.***

I, John Codwell D.P.M., have read and understand the foregoing Agreed Order. I understand that by signing, I waive certain right to a formal hearing before the State Office of Administrative Hearings and judicial review of this order. I sign it voluntarily.

I understand this agreed order contains the entire agreement between the parties and there is no other agreement of any kind, verbal, written, or otherwise. **THIS ORDER IS A PUBLIC RECORD.**

  
John Codwell D.P.M.

10/26/98  
Date

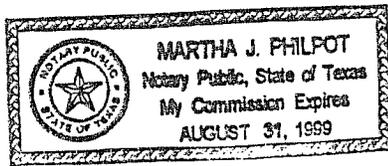
STATE OF TEXAS

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COUNTY OF Harris

BEFORE ME, on this day personally appeared John E. Codwell D.P.M. known to be who first being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this the 26<sup>th</sup> day of October 1998.



Martha J. Philpot  
Printed Name of Notary Public

Martha J. Philpot  
Notary Public, in and for the State  
of Texas

SIGNED AND ENTERED by the Presiding Officer of the Texas State Board of Podiatric Medical Examiners on this the 18<sup>th</sup> day of FEBRUARY, 1998.

W. Preston Goforth  
W. Preston Goforth, D.P.M.,  
President, Texas State Board of  
Podiatric Medical Examiners