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FILED BY THE BOARD OF  
SOCIAL WORK EXAMINERS

*J. Michael Staller*  
*October 5, 2016*

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
STATE BOARD OF SOCIAL WORKER EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

**MARYANNE L. COWAN, L.C.S.W.**

TO PRACTICE SOCIAL WORK  
IN THE STATE OF NEW JERSEY

Administrative Action

**VERIFIED COMPLAINT**

Christopher S. Porrino, Attorney General of the State of New Jersey, by David M. Puteska, Deputy Attorney General, with offices located at 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101, by way of Verified Complaint says:

**GENERAL ALLEGATIONS**

1. Complainant, Christopher S. Porrino, Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate disciplinary proceedings against persons licensed by the New Jersey State Board of Social Work Examiners (the "Board") pursuant to N.J.S.A. 45:1-14 et seq.

2. The Board is charged with the duty and responsibility of regulating the practice of social work in the State of New Jersey pursuant to N.J.S.A. 45:15BB-1 et seq.

3. Pursuant to N.J.S.A. 45:1-22, the Board may enter an order of temporary suspension pending a plenary hearing on an Administrative Complaint upon a finding of clear and imminent danger to the health, safety and welfare of the public of New Jersey.

4. Maryanne Cowan ("Respondent") is a licensed clinical social worker licensed to practice social work by the Board. At all times relevant hereto, Respondent maintained a social work practice in her home located in 572 West Saddle River Road, Ridgewood, New Jersey 07450. Respondent's husband, James Cowan, Jr., M.D., maintained a medical practice at the same Ridgewood location.<sup>1</sup>

5. The United States Drug Enforcement Administration (the "DEA") classifies Controlled Dangerous Substances ("CDS") in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States, their relative abuse potential, and likelihood of causing dependence when abused.

- a. Schedule II substances have a high potential for abuse which may lead to severe psychological or physical dependence.
- b. Schedule III substances may lead to moderate physical dependence or high psychological dependence.
- c. Schedule IV substances have a lower potential for abuse relative to substances in schedule III.
- d. Schedule V substances have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics.

6. These CDS drugs, as the descriptions below establish, are dangerous medications with habit-forming potential to be utilized cautiously. The descriptions follow:

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<sup>1</sup> On May 6, 2016 the Director of the New Jersey Division of Consumer Affairs entered an emergent order suspending Dr. Cowan's CDS Registration. On June 13, 2016, Dr. Cowan entered into a Consent Order with the New Jersey State Board of Medical Examiners and the Director of the Division of Consumer Affairs temporarily suspending his license to practice medicine and his CDS Registration. Both actions were based upon the same nucleus of facts as described herein.

- a. Fioricet with Codeine is a combination drug product intended as a treatment for tension headaches. It consists of a fixed combination of butalbital 50 mg, acetaminophen 300 mg, caffeine 40 mg, and codeine phosphate 30 mg. During all times relevant hereto, it has been a Schedule III CDS as defined in N.J.S.A. 24:21-6, N.J.A.C. 13:45H-10.1, and 21 C.F.R. § 1308.12.
- b. Dextroamphetamine Saccharate, Amphetamine Asparate, commonly known as "Adderall", is a stimulant used to treat narcolepsy and attention deficit hyperactivity disorder ("ADHD"). During all times relevant hereto, it has been a Schedule II CDS as defined in N.J.S.A. 24:21-6, N.J.A.C. 13:45H-10.1, and 21 C.F.R. § 1308.12.
- c. Alprazolam, commonly known by its trade name "Xanax", is a benzodiazepine used to treat anxiety disorders, panic disorders, and anxiety caused by depression. During all times relevant hereto, it has been a Schedule IV CDS as defined in N.J.S.A. 24:21-8, N.J.A.C. 13:45H-10.1, and 21 C.F.R. § 1308.14.
- d. Buprenorphine, either on its own or when combined with Naloxone, commonly known by the trade names Suboxone or Subutex is utilized for opioid dependence. During all times relevant hereto it has been a Schedule III CDS as defined in N.J.S.A. 24:21-8 and N.J.A.C. 13:45H-10.1.

7. As detailed below, the evidence obtained against Respondent shows a clear pattern and practice of multiple violations of the rules and regulations governing the practice of social work and medicine in the State of New Jersey including those regarding the unlicensed medical practice; professional misconduct and the indiscriminate prescribing or dispensing of CDS. Thus, Respondent's conduct as alleged herein palpably demonstrates that her continued practice of social work in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

#### COUNT I

8. Plaintiff repeats and realleges all of the allegations contained in the General Allegations.

9. On May 5, 2016, Investigators with the New Jersey Division of Consumer Affairs, Enforcement Bureau, in concert with the Bergen County Prosecutor's Office, conducted an inspection of the Ridgewood office shared by Respondent and Dr. Cowan. (Certifications of Inv. Kathleen Cefalu ("Cefalu Cert.") attached to the Certification of David M. Puteska ("Puteska Cert.") as Exhibit 1 at ¶(6).

10. In the course of the inspection, the investigators conducted a recorded interview with Respondent. (Transcript of Maryanne Cowan Interview ("M. Cowan Transcript.") attached to the Puteska Cert. as Exhibit 2 at Pg. 1:1).<sup>2</sup> Respondent conveyed to the investigators that due to ongoing medical problems her husband has been a patient in either a hospital or nursing care facility since March 7, 2016. (Id. at 14:10). During that time Dr. Cowan was unable to work or see patients in the office. (Id. at 15:18 to 23). During this period, from March 7, 2016 to May 5, 2016, Respondent confirmed that she saw Dr. Cowan's patients and provided them medical care. (M. Cowan Transcript at 16:1 to 2).

11. Respondent admitted that she had written and provided CDS prescriptions for patients while Dr. Cowan had been hospitalized prescribing "Adderall and Xanax." (Id. at 16:5 to 9). These patients would be charged one to two hundred dollars for the prescriptions. (Id. at 18:16 to 19:4). Respondent confirmed that Dr. Cowan was fully aware of her actions including the writing of prescriptions. (M. Cowan Transcript at 19:5 to 16). While Respondent initially claimed that she always had Dr. Cowan review the charts and then write the prescriptions, she acknowledged that in some cases she issued pre-signed prescriptions without consulting her husband. (M. Cowan Transcript at 60:18 to 20).

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<sup>2</sup>Transcripts shall be cited by page and line number, ##:##.

12. In addition to Adderall and Xanax, Respondent admitted that she dispensed prescriptions for Suboxone when patients came in who were “sweating and . . . you could tell they were very sick.” (Id. at 52:24 to 53:1). In those cases prescriptions for small doses of Suboxone would be issued by Respondent. (Id. at 54:13 to 21).

13. Investigators also conducted a recorded interview of Dr. Cowan’s office manager, Evelyn Ferraro. (Transcript of Evelyn Ferraro #1 (“Ferraro Transcript #1) attached to the Puteska Cert. as Exhibit 3, 3:1).<sup>3</sup> Ms. Ferraro worked for the practice for approximately one year. (Id. at 8:6 to 11). Ms. Ferraro believed that some of Dr. Cowan’s patients exhibited drug seeking behavior and might even “come and get those drugs, and [ . . . ] go out and sell them.” (Ferraro Transcript #1 at 13:13 to 16). Ms. Ferraro was also suspect that patients were coming from long distances to see Dr. Cowan and these patients were likely selling the pills they received. (Id. at 15:4 to 10).

14. Ms. Ferraro detailed the extent of Dr. Cowan and Respondent’s conduct stating that she knew Respondent filled out some prescriptions herself as the handwritten signature of Dr. Cowan was different on some prescriptions versus others. (Ferraro Transcript #1 at 20:8 to 12). These patients never saw Dr. Cowan, only Respondent. (Id. at 20:22 to 21:2).

15. Ms. Ferraro also informed investigators that CDS prescriptions were placed in an envelope and left in the mailbox for patients to pick up. (Ferraro Transcript #1 at 28:24 to 30:4). On at least two occasions, drug seekers broke into Dr. Cowan’s office in an attempt to obtain pills. (Id. at 30:5 to 31:16).

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<sup>3</sup> Ms. Ferraro’s interview was interrupted so two separate recordings and transcripts exist. The transcripts will be referred as Ferraro Transcript #1 and #2 to avoid any confusion.

16. Ms. Ferraro confirmed that Respondent was seeing patients for six to eight weeks after Dr. Cowan was hospitalized. (Ferraro Transcript #1 at 34:9 to 20).

17. During the inspection of Dr. Cowan's office, a patient by the name of P.M. presented himself with the intention of receiving his medication regime consisting of Xanax and Adderall from "Dr. Maryanne Cowan." (Cefalu Cert. at ¶8; See Also Patient Record of P.M. attached to the Puteska Cert. as Exhibit 7, Bates-stamped Cowan 0116 to 0132).<sup>4</sup> P.M. told the investigators that he had been referred to Dr. Cowan by a friend, to obtain prescriptions for Xanax and Adderall. He had made an appointment on February 26, 2016 to be seen by Dr. Cowan. (Id.) When P.M. arrived at Dr. Cowan's office, although he was present, he was seen only by Respondent. She asked him a few questions about his prior medication history and provided him with two (2) prescriptions, Xanax 2 mg #60 with directions to take one tablet twice a day and Adderall 20 mg #60 with directions to take one tablet twice a day. (P.M. Patient Record at Cowan 0132). P.M. then returned again on March 23 and obtained the same prescriptions from Respondent. (P.M. Patient Record at Cowan 0119).

18. On May 5, 2016, investigators traveled to and met with Dr. James Cowan in his private room at the CareOne Rehabilitation Center, Paramus, New Jersey. (Cefalu Cert. ¶10) Det. Klumpp from the Bergen County Prosecutor's Office read the Miranda Rights to Dr. Cowan and he agreed to be interviewed while his attorney, Donald Bonomo, Esq., was on speaker phone. (Cefalu Cert. ¶11).

19. Dr. Cowan admitted signing prescriptions for CDS in advance of seeing patients for his wife (Respondent) to dispense on his behalf. (Cefalu Cert. ¶12). Dr. Cowan said he did this "off and on for quite some time when I was not able to see a patient." (Id.).

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<sup>4</sup> As is Board policy the names of all patients have been redacted to protect their privacy.

20. Dr. Cowan believed that, after being married for thirty (30) years, he had taught his wife everything she needed to know to be able to medically treat the patients with his consent. (Cefalu Cert. ¶13). Dr. Cowan stated that they would most often consult with one another; however, he was aware that Respondent had also provided prescriptions and medical care without his knowledge. (Id.) Dr. Cowan believed that her (Respondent's) experience working in his medical office, *in addition to her being licensed as a Clinical Social Worker* and an ordained Minister, was adequate to provide care to the patients who presented to the office. (Id.)(emphasis added). Dr. Cowan further stated that he was not aware that he could not consult with his wife and/or allow her to write prescriptions for him.

21. Dr. Cowan stated that "Maryanne" would sometimes consult with him before prescribing but not on every occasion. (Cefalu Cert. ¶14). There were patients, that he is aware of, to whom Maryanne prescribed and he had never evaluated. (Id.).

22. Dr. Cowan was shown the record of patient P.M., who was scheduled to be seen on May 5, 2016, at his office. (Cefalu Cert. ¶15 & Puteska Cert. Exhibit 7). Dr. Cowan admitted that he had written two CDS prescriptions (Adderall & Xanax), on May 5, 2016, without a medical examination or evaluation of P.M. (Cefalu Cert. at ¶15; See also Puteska Cert. Exhibit 7 at Cowan 0117 to 0118) He stated that this patient had been prescribed the same regimen of medications by a prior physician, but acknowledged that he had never seen or treated this patient. (Id.) Dr. Cowan had written the prescriptions in advance after his office worker, Evelyn Ferraro, brought several records to him at the CareOne facility that same morning. Dr. Cowan reviewed the records delivered by Ms. Ferraro and wrote out the prescriptions with the intention that Respondent would distribute the prescriptions to the patients at their office that next day. (Cefalu Cert. ¶15).

23. During the course of the interview Respondent revealed that his home/office had been broken into on three (3) occasions and prescription blanks were stolen. (Cefalu Cert. ¶16). Dr. Cowan was not aware of how many prescription blanks were missing.

24. Dr. Cowan was provided the patient records of M.G., C.M., N.M., P.M. and V.S., to whom he had prescribed medications for that day. (Cefalu Cert. ¶19; See also Patient Records attached as Exhibits 4 to 8 of the Puteska Cert.) After reviewing these records Dr. Cowan was not able to identify medical necessity for the prescribing and acknowledged that medical justification was not documented, nor was any notation made regarding the prescribing patterns by the patients' former physicians. (Id.) Dr. Cowan advised that he provided every patient with a mental status examination to determine levels of anxiety, depression and to ascertain suicidal ideations. Dr. Cowan stated that he did not write down his evaluations or examinations in the medical record to best protect the patient. He referenced HIPPA, and stated that he has a very good memory and felt his lack of documentation protected his patients in case the file "ended up in the wrong hands." (Cefalu Cert. ¶20). He stated he always "documented any medical problems and other doctors." (Id.)

25. Dr. Cowan was asked specifically about patients M.G., C.M., N.M., P.M. and V.S., and identified by Ms. Ferraro as having been reviewed by him earlier in the day. (Cefalu Cert. ¶22; Puteska Cert. Exhibits 4 to 8) Dr. Cowan admitted that he authorized the CDS prescriptions to all five (5) patients without the benefit of a medical examination and admitted that he had written the prescriptions while an in-patient at the CareOne facility with the intention that Respondent would see the patients in their office the next day and provide the patient with the prescriptions. (Id.) He referenced his complete trust in his wife's ability to evaluate a patient properly and act on his behalf.

26. A review of the exemplar patient records confirms that CDS prescriptions were written while Respondent could not have seen the patients. The following chart details this illegal prescribing and unlicensed practice of medicine by Respondent:

Patient	Prescription Date	CDS Prescribed	Exhibit and Bates Number
M.G.	5/5/16	Xanax 2 mg, 60; Xanax 2 mg, 60.	Puteska Cert. Exhibit 4, Bates-stamped Cowan 0005 to 0007.
C.M.	5/5/2016	Adderall 30 mg, 90.	Puteska Cert. Exhibit 5, Bates-stamped Cowan 0035. <sup>5</sup>
C.M.	3/23/16	Fiorcet w/Codeine, 30; Adderall 30 mg, 90.	Puteska Cert. Exhibit 5, Bates-stamped Cowan 0043.
C.M.	3/23/16	Adderall 30 mg, 60; Xanax 1 mg, 90.	Puteska Cert. Exhibit 5, Bates-stamped Cowan 0043.
N.M.	5/5/16	Adderall 20 mg, 60; Xanax .5 mg, 60.	Puteska Cert. Exhibit 6, Bates-stamped Cowan 0098 to 0099.
N.M.	3/23/16	Adderall 30 mg, 60; Xanax 1 mg, 90.	Puteska Cert. Exhibit 6, Bates-stamped Cowan 0107.
P.M.	5/5/2016	Adderall 20 mg, 60; Xanax 2 mg, 60.	Puteska Cert. Exhibit 7, Bates-stamped Cowan 0117 to 0118.
P.M.	3/23/2016	Adderall 20 mg, 90; Xanax 2 mg, 60.	Puteska Cert. Exhibit 7, Bates-stamped Cowan 0119.
V.S.	5/5/16	Adderall 20 mg, 60; Xanax 2 mg, 60; Subutex 8 mg, 60.	Puteska Cert. Exhibit 8, Bates-stamped Cowan 0137 to 0139.

28. Respondent's actions described herein constitute engaging in the use or employment of dishonesty, deception, misrepresentation or false pretense in violation of N.J.S.A. 45:1-21(b); professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e); and/or

<sup>5</sup> An identical prescription for P.S. appears in C.M.'s medical file at Bates-stamped Cowan 0036. It is unknown whether this is simply a mis-filed prescription or two separate prescriptions were issued to C.M.

the prescribing or dispensing of controlled dangerous substances indiscriminately or without good cause in violation of N.J.S.A. 45:1-21(m).

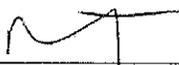
29. Respondent's conduct as alleged herein palpably demonstrates that her continued practice of social work in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of her license pursuant to N.J.S.A. 45:1-22.

WHEREFORE, Complainant The Attorney General of New Jersey demands the entry of an Order:

1. Temporarily suspending Respondent's license to practice social work in the State of New Jersey pending the conclusion of a plenary hearing in this matter, pursuant to N.J.S.A. 45:1-22;
2. Suspending or revoking the Respondent's license to practice social work in the State of New Jersey following a plenary hearing;
3. Assessing civil penalties against Respondent for each and every separate unlawful act as set forth above, pursuant to N.J.S.A. 45:1-21;
4. Requiring Respondent to pay costs, including investigative costs, attorney's fees and costs, expert and fact witness fees and costs, costs of trial, and transcript costs, pursuant to N.J.S.A. 45:1-25; and
5. Ordering such other and further relief as the Board of Social Work Examiners

shall deem just and appropriate under the circumstances.

CHRISTOPHER S. PORRINO  
ATTORNEY GENERAL OF NEW JERSEY

By:   
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David M. Puteska  
Deputy Attorney General

Dated: September \_\_, 2016