

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00770-CV

Appellant, Robert Charles Lowry, M.D. // Cross-Appellant, Texas Medical Board

v.

Appellee, Texas Medical Board // Cross-Appellee, Robert Charles Lowry, M.D.

**FROM THE 459TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-GN-18-006654, THE HONORABLE JAN SOIFER, JUDGE PRESIDING**

CONCURRING AND DISSENTING OPINION

I do not join the Court's analysis but concur in the Court's judgment to the extent that it affirms the Texas Medical Board's final order. I otherwise dissent. I would conclude that there is substantial evidence to support the Board's finding that Dr. Lowry directly or indirectly employed and associated in the practice of medicine with a physician whose license had been suspended, *see* Tex. Occ. Code § 164.052(a)(14), (15), and its findings and conclusions that Dr. Lowry violated the standard of care and record keeping requirements and failed to use proper diligence in his professional practice, *see id.* § 164.051(a)(1), (3), (6); 22 Tex. Admin. Code §§ 165.1(a) (Tex. Med. Bd., Medical Records), 190.8(1) (Violation Guidelines). Thus, I would affirm the Texas Medical Board's final order.

Melissa Goodwin, Justice

Before Justices Goodwin, Kelly, and Smith

Filed: June 11, 2021