

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE  
DISCIPLINARY PROCEEDINGS AGAINST

THOMAS BAYARD FREDERICK, M.D.  
RESPONDENT.

ORDER

93 MED 421

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Thomas Bayard Frederick, M.D.  
80 Sheboygan Avenue  
Fond du Lac, WI 54935

Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

This matter came before the Board on Motion of the Division of Enforcement, Department of Regulation and Licensing. Notice of the proceeding was given to respondent. The appearances were: Arthur Thexton, Prosecuting Attorney. Respondent did not appear, but sent a letter acknowledging notice of the proceeding and stating: "I do not dispute the facts as presented, and I accept the proposed Order as being reasonable and fair. In anticipation of such an action by the Medical Examining Board, I am enclosing both of my Wisconsin Medical Licenses."

FINDINGS OF FACT

1. Respondent Thomas Bayard Frederick (dob 2/19/51) was at all times relevant to this proceeding duly licensed under the provisions of Chapter 448, Wis. Stats., to practice as a physician and surgeon in the State of Wisconsin, under license number 21682, granted on 7/14/78.
2. On Sunday, February 16, 1997, shortly after 1:00 PM, respondent was arrested by the Langlade County Sheriff's department. Two samples of his breath were analyzed by the Intoxilyzer 5000, a device recognized and certified by the Wisconsin Department of Transportation. The results of the test were that respondent's breath contained 0.187% and 0.197% alcohol by weight. In addition, the testing deputy reported that respondent had an odor of an intoxicating beverage about his person. Respondent stated to the arresting deputy that he had not consumed any alcohol on that day, but had consumed alcohol the night before.
3. On February 23, 1994, respondent stipulated to, and the Board entered, an Order providing that (among other things) respondent must abstain from the use of alcohol and all unprescribed controlled substances. Respondent's license was suspended, and the suspension was stayed, on condition that he comply with the conditions set forth in the Order. In subsequent months, and on January 26, 1995, the Board granted three month stays of suspension, pursuant to requests from respondent and upon his statements to the Board that he was in compliance with the Board's Order in all respects. On February 22, 1995, the Board terminated the stay because respondent relapsed. On August 22, 1996, the Board granted respondent a new three month stay, which commenced on September 7, 1996. This stay was extended for an additional three months in December, 1996.

CONCLUSIONS OF LAW

5. The Wisconsin Medical Examining Board has jurisdiction over this matter and authority to enforce its February 23, 1994 Order and to act pursuant to that Order, pursuant to the stipulation of respondent, §448.02, Wis. Stats., and Ch. Med 10, Wis. Adm. Code .

6. There is probable cause to believe the statements set forth in ¶2, above, and that their substance constitutes a violation of the conditions of the Order of February 23, 1994. This justifies terminating the Stay of Suspension granted by the Board in December, 1996 pending further investigation, pursuant to ¶1.b. of the February 23, 1994 Order.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

A. That the STAY of Suspension granted on January 26, 1995, is TERMINATED and the SUSPENSION heretofor imposed and stayed is REINSTATED. Respondent shall forthwith surrender all indicia of registration by mailing or delivering them to the department. Respondent shall also deliver such indicia to any agent of the department who requests them.

B. Respondent may apply for stays for periods of three months, conditioned upon compliance with the conditions and limitations outlined in the February 23, 1994 Order, when he is in full compliance with that order.

C. Respondent may request a hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1, Wis. Adm. Code.

Dated this February 26, 1997.

MEDICAL EXAMINING BOARD

By:

  
A Member of the Board

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STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE MEDICAL EXAMINING BOARD

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In the Matter of the Disciplinary Proceedings Against

Thomas Bayard Frederick, M.D.,

AFFIDAVIT OF MAILING

Respondent.


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STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 3, 1997, I served the Order dated February 26, 1997 upon the Respondent Thomas Bayard Frederick, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 036.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

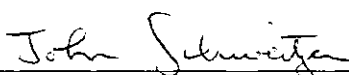
Thomas Bayard Frederick, M.D.  
80 Sheboygan Avenue  
Fond du Lac WI 54935



Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 3rd day of March, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Thomas Bayard Frederick, M.D.,

AFFIDAVIT OF MAILING


Respondent.

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

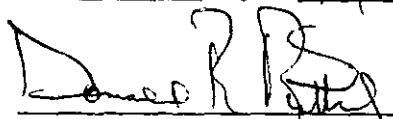
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 6, 1997, I served the Order dated February 26, 1997 upon the Respondent Thomas Bayard Frederick, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 056.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Thomas Bayard Frederick, M.D.  
481 E. Division Street  
Fond du Lac WI 54935

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 6<sup>th</sup> day of March, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

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## NOTICE OF APPEAL INFORMATION

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Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

March 3, 1997

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)