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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

JAMES RICHARD THIEL, M.D.,

INTERIM ORDER

RESPONDENT

LS0004261MED

The parties to this action for the purposes of § 227.53, Stats., are:

James Richard Thiel, M.D.

615 10th Street South.

LaCrosse, WI 54601

Wisconsin 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

The parties in this matter agree to the terms and conditions of the attached stipulation as an interim order in this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James Richard Thiel, M.D., Respondent, date of birth February 5, 1946, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 24273, which was first granted October 23, 1981.

2. On April 19, 2000, the Board found probable cause to believe that Respondent was guilty of unprofessional conduct and authorized the issuance of a disciplinary complaint. This action was then commenced on April 26, 2000 by the filing of the complaint and a notice of hearing.

3. The disciplinary complaint consists of eight counts. Two of the counts are related to, and one count is based entirely on, allegations that:

- o On August 27, 1999, as a result of conduct with a psychiatric patient, Respondent was charged in LaCrosse County Wisconsin Circuit Court case number 99-CF-503 with violating § 940.22(2), Stats., (Sexual exploitation by therapist), a class C felony, punishable by a fine not to exceed \$10,000 or imprisonment for not more than 10 years, or both.
- o On March 16, 2000, following a jury trial, Respondent was convicted of seven counts of violating § 940.22(2), Stats., (Sexual exploitation by therapist). The court ordered Respondent not to practice medicine and surgery until sentencing.

4. On June 28, 2000, subsequent to the commencement of this action, Respondent was sentenced in the criminal matter to four years in prison to be followed by ten years of probation.
5. Respondent filed notice of intent to appeal the convictions, but the sentence was imposed and Respondent was imprisoned June 28, 2000.
6. Respondent has not practiced medicine and surgery under his Wisconsin license since March 16, 2000.
7. On January 26, 2001, the LaCrosse County Circuit Court began the trial level post conviction hearing in the criminal matter. Additional testimony is scheduled in that hearing on March 15, 2001. The trial court has indicated that it will need 30 days following the conclusion of testimony to render its written decision and order.
8. Following the first day of testimony in the post conviction hearing, the trial court:
- o Found that Respondent has a likelihood of success in the post conviction proceeding or on appeal.
 - o Found that Respondent will likely appear at all future hearings.
 - o Found that Respondent does not pose a threat to the community.
 - o Ordered that Respondent be released from prison on bail pending post-conviction proceedings.
 - o As a condition of bail, prohibited Respondent from practicing medicine.
9. On March 2, 2001, Respondent filed a motion in this matter requesting that "these proceedings be stayed until such time as the criminal proceedings are completed conditioned on his agreement not to practice medicine in the interim."
10. Respondent's motion states:
- "Interests of judicial economy and finality suggest that licensing proceedings which depend, in large part, upon criminal proceedings should not be completed until the final outcome in the proceeding is known. Further, counsel reasonably believes that a final resolution in the criminal matter will likely permit these licensing proceedings to be resolved without the need for further litigation."

11. Based on its belief that the public will be protected by the conditions set out in the order below, the Complainant, Division of Enforcement, does not object to Respondent's motion for a stay of these proceedings.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter and authority to issue this order, pursuant to § 448.02(3), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That this disciplinary proceeding is stayed effective immediately, until such time as one of the following occurs:

- a. The criminal proceedings against Respondent are completed.
- b. The Respondent or the Division make a request to the administrative law judge assigned to this matter that the proceedings go forward.
- c. The Division makes a showing sufficient to the administrative law judge assigned to this matter that, subsequent to the issuance of this order, the Respondent has practiced medicine anywhere, whether under his Wisconsin license, another license or no license.

2. That the VOLUNTARY SURRENDER by James Richard Thiel, M.D., Respondent, of his license to practice medicine and surgery in the State of Wisconsin is hereby accepted, and Respondent is prohibited from practicing medicine and surgery in the State of Wisconsin, until such time as this disciplinary proceeding is concluded by the issuance of a final decision and order by this Board.

3. That if Respondent violates the terms of this order, he shall be subject to additional discipline pursuant to Wis. Adm. Code § MED 10.02(2)(a), for violating an order of the Board.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 22nd day of March, 2001.

Sidney Johnson, M.D.

Secretary

Medical Examining Board