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BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST :

: LS0209252MED

JOHN T. COATES, M.D., :

RESPONDENT. :

FINAL DECISION AND ORDER

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

John T. Coates, M.D.
5725 Sandpiper Drive
Stevens Point, WI 54481

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 the final decision of 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. John T. Coates, M.D., Respondent, date of birth January 25, 1954, 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 25222, which was first granted July 1, 1983.
2. Respondent's last address reported to the Department of Regulation and Licensing is 5725 Sand Piper Drive, Stevens Point, WI 54481.
3. Respondent's practice specialty is emergency medicine.
4. Respondent was employed as an immediate care room physician at St. Michael's Hospital (SMH) in Stevens Point, Wisconsin.
5. On June 16, 2000, Respondent first met Ms. A, who was then 38 years old, when she sought treatment at SMH's immediate care clinic for a cervical strain. Respondent prescribed Ms. A ibuprofen 400 m.g. every 6-8 hours and 10 Vicodin tablets to be taken as needed. Vicodin contains hydrocodone, a class III controlled substance.
6. Respondent next saw Ms. A on July 13, 2000, when she presented SMH's immediate care clinic with a burn on her lower leg from a motorcycle muffler. Respondent diagnosed second degree burns and prescribed 15 Vicodin 5 m.g., with instructions to take one tablet every 4 to 6 hours as needed for pain.
7. Ms. A returned to SMH's immediate care clinic on July 19, 2000 for a recheck of the burn. Respondent noted that the wound was adequately healing and that there was no sign of secondary infection. Respondent covered the wound with a Silvadene dressing and prescribed 15 Vicodin 5 m.g, with the same instructions.
8. While Ms. A was receiving treatment from Respondent on July 19, 2000, she mentioned that she lacked transportation to get to SMH. Respondent offered to come to her home within a few days to change her dressing and Ms. A accepted the offer.
9. Within a week of July 19, 2000, Respondent called Ms. A and they agreed on a time for him to stop at her home. Respondent went to Ms. A's home and changed the dressing. While there, he also hugged her and kissed her on her head. Respondent did not note the visit in Ms. A's treatment records.
10. A few days later, Respondent called Ms. A and asked how she was doing. Respondent offered to give Ms. A a massage and told her that he liked spending time with her. Respondent came to Ms. A's home and they had non-intercourse sexual contact.
11. Respondent and Ms. A then met on more than one occasion at the Point Motel for sexual encounters.

12. On October 2, 2000, Respondent wrote and gave a prescription for 20 Vicodin to Ms. A. Respondent contends that he gave Ms. A the prescription because she called him at SMH and told him that her mouth hurt so much from having her teeth cleaned that she needed Vicodin. Respondent did not make any entry in Ms. A's treatment records which related to seeing her or issuing that prescription.

13. At the suggestion of the Division of Enforcement, Respondent has attended and completed on November 14, 2001 "Ethics, Boundaries and Practice: Current Issues" a program presented by Gary Schoener and sponsored by the University of Wisconsin-Madison Division of Continuing Studies. (Eight continuing education hours)

CONCLUSIONS OF LAW

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

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by engaging in a sexual relationship with his patient, Ms. A, has engaged in conduct which constituted a danger to her health, welfare, or safety, which is unprofessional conduct as defined by § MED 10.02(2)(h), Wis. Admin. Code, and is subject to discipline pursuant to § 448.02(3), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of John T. Coates, M.D., to practice medicine and surgery in the state of Wisconsin is hereby SUSPENDED for a minimum of one (1) year, effective November 2, 2002.

2. The suspension of Respondent's license shall end after the one year period, upon Respondent providing proof sufficient to the Board that:

a. Respondent has taken and completed a one day educational program addressing appropriateness of boundaries between health care professionals and their patients or clients. Respondent shall provide information about the program to the Board, or its designee, and receive approval from the Board, or its designee, that the program meets the requirement of this paragraph.

b. Respondent, by completing the program described in Finding of Fact 13, has satisfied the educational requirement set out in the preceding subparagraph.

c. Respondent has, at his own expense, undergone an assessment by a mental health care practitioner or practitioners with experience in assessing health care practitioners who have become involved sexually with patients.

i. The practitioner or practitioners performing the assessment must have been approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the assessment being performed.

ii. The Division of Enforcement shall provide the assessor(s) and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment. Respondent may provide the assessor(s) with any information Respondent believes will be of assistance in performing the assessment.

iii. Respondent shall authorize the assessor(s) to provide the Board, or its designee, with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor(s).

iv. The assessment shall take place no earlier than nine months from the date of this Order.

d. The assessor(s) rendered opinions to a reasonable degree of professional certainty that Respondent can practice with reasonable skill and safety to patients and public.

3. No sooner than 9 months after the effective date of this Order, Respondent may submit evidence that he has complied with the conditions necessary to end the suspension after one year.

4. If Respondent has complied with the requirements for the termination of the suspension, the Board may limit Respondent's license in any manner necessary to address issues raised by the facts of this case or by the assessment, including, but not limited to:

a. Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.

b. Additional professional education in any identified areas of deficiency.

c. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

5. If Respondent believes that any refusal to end the suspension or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

6. Any request for approval of educational programs or assessors and evidence of compliance with the requirement to terminate the suspension shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

7. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 4 above, may constitute grounds for revocation of Respondent's license as a physician in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 4 above, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

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 25th day of September, 2002.

Virginia Heinemann

Secretary

Medical Examining Board