

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

THOMAS M. ROWE, M.D.,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0111191MED

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

Thomas M. Rowe, M.D.

12 Alabama Street

Sturgeon Bay, WI 54235

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. Thomas M. Rowe, M.D., Respondent, date of birth October 8, 1950, 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 26031, which was first granted July 1, 1984.
2. Respondent's last address reported to the Department of Regulation and Licensing is 12 Alabama Street, Sturgeon Bay, WI 54235.
3. Respondent's practice specialty is obstetrics and gynecology.
4. Ms. A became a patient of the North Shore Medical Clinic (Clinic) in Sturgeon Bay, Wisconsin on May 22, 1985, when she was 29 years of age. This was prior to the time Respondent became affiliated with the Clinic.
5. After Respondent became affiliated with the Clinic, the first professional service he provided to Ms. A was a request for laboratory work on November 15, 1993. Ms. A continued to be Respondent's patient until March 22, 1999.

6. Respondent provided care to Ms. A at the clinic on the following dates:

1994: January 3, 18 and 25, February 10 and 11, March 14, 15 and 25, and September 12.

1995: March 25, and April 6, 1995.

1996: February 1, and March 6 and 12.

7. From March 13, 1996 through March 16, 1996, Ms. A was hospitalized at Door County Memorial Hospital (Hospital), where Respondent performed a hysterectomy and provided care through her hospital stay.

8. Ms. A returned to Respondent for post-operative examinations on March 28 and April 23, 1996. During the April 23 visit, Respondent informed Ms. A that she and her husband could resume all sexual activity. Ms. A told Respondent that she and her husband were having relationship problems and she had not given any thought to sex. Ms. A asked Respondent if she could return to Respondent for advice to help her and her husband. Respondent stated that she could come to the office anytime.

9. Respondent provided care to Ms. A at the Clinic on the following dates in 1997: January 29, March 20, September 8 and October 6. Ms. A was admitted to the Hospital October 29 through 31, 1997 and a surgery was performed by a urologist and a rectocele repair was performed by Respondent.

10. Ms. A saw Respondent for post-operative visits on November 4, 10 and 17, 1997. After one of the post-operative visits, Respondent put his arms around Ms. A and kissed her.

11. At a later time, while Ms. A remained Respondent's patient, they had sexual contact, but not sexual intercourse. Over the next two and one half years, Respondent and Ms. A had sexual contact with one another on several occasions.

12. Respondent provided Ms. A with care on January 5, February 20, April 6, 7 and 9, and September 3, 1998. Respondent ordered a mammogram for Ms. A on October 12, 1998.

13. On March 11, 1999, Ms. A was seen by another physician at the Clinic. He expressed his opinion that she was clinically depressed and prescribed an antidepressant to her. The physician's note of that visit referring to Ms. A's sexual relationship with Respondent says, in part: "She feels one of the big psychosocial stressors in her life was an affair she had and this has contributed to this, as well as continuing strife with the man she had the affair with."

14. Respondent's conduct with Ms. A was below the minimal standards of his profession and exposed Ms. A to risks of harm to which a minimally competent physician would not expose a patient.

15. Subsequent to August 31, 2000, Respondent has neither practiced medicine or surgery in the State of Wisconsin nor practiced medicine or surgery elsewhere under his Wisconsin license.

#### 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 Wis. Admin. Code § MED 10.02(2)(h), and is subject to discipline pursuant to § 448.02(3), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Thomas M. Rowe, M.D., to practice medicine and surgery in the state of Wisconsin is hereby SUSPENDED for a minimum of one (1) year. In consideration of the period of time that Respondent has not practiced under his license, the effective date of the commencement of the suspension is retroactive to July 23, 2001.

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

a. Subsequent to the date of this Order, 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 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 evaluator(s) to provide the Board, or its designee, with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor(s).

c. 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. 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.

4. 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.

5. Any request for approval of educational programs or assessors and evidence of compliance with the requirements 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

6. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 3 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 3 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 23rd day of JanuaryOctober, 2002.

Virginia Heinemann

Secretary

Medical Examining Board