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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

	:	
IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	ORDER DENYING
	:	PETITION FOR REHEARING
MILES J. JONES, M.D.,	:	LS0110041MED
RESPONDENT	:	
	:	

On January 8, 2003, the Medical Examining Board issued its Final decision and Order in the above-captioned matter. By the terms of the board's Order the license of Miles P. Jones to practice medicine and surgery in Wisconsin was revoked.

On February 3, 2003, the board received Dr. Jones' Petition for Rehearing dated January 29, 2003. Because the petition must be filed within 20 days following the service of the board's Order on January 10, 2003, Dr. Jones' petition is untimely, and must be denied.

Moreover, under sec. 227.49(2), Stats., a rehearing may be granted only on the basis of some material error of law, some material error of fact, or the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence. Dr. Jones alleges an error of fact, indicating that "there is information which was not available at the time of the board's decision." Respondent fails to specify what that information might consist of.

Dr. Jones also alleges errors in law, including the following:

That the board lacks jurisdiction over conduct occurring in other states "until there is exhaustion of administrative agencies on other states with a finding that Miles J. Jones, MD's conduct warranted disciplinary action" The question of jurisdiction was fully discussed in the board's Final Decision, and Dr. Jones' position was rejected.

The board did not rely on expert testimony to support its decision. No expert testimony was required.

There was insufficient evidence to support a finding that Dr. Jones violated federal labeling laws. This issue was also disposed of in the Explanation of Variance appended to the Final decision and Order.

The board may not substitute its knowledge for evidence which is lacking. Respondent fails to be more specific.

The board's decision is in direct violation of federal law in that it limits, restricts or otherwise hinders interstate commerce. The board's decision limits only unprofessional conduct by a Wisconsin licensee over whom the Wisconsin licensing authority has jurisdiction.

The board's decision may constitute cruel and unusual punishment. It is well settled that disciplinary action by a licensing board does not constitute punishment, but rather is remedial action designed to protect the health, safety or welfare of the citizens of Wisconsin.

It is concluded that Dr. Jones has failed to establish the existence of any material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the order. Accordingly, it is ordered as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the Petition for Rehearing of Miles J. Jones, M.D. be, and hereby is, denied.

Dated this 26th day of February, 2003.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Alfred L. Franger, M.D.

Board Secretary