

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
: FINAL DECISION AND ORDER
JOHN H. HICKS III, M.D. :
: Case #LS0807163MED

Division of Enforcement Case # 05 MED 269

The parties to this proceeding for purposes of Wis. Stat. § 227.53 are:

John H. Hicks III, M.D.
5411 State Road 50
Delevan, WI 53115

Wisconsin Medical Examining Board
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 (“Board”). The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. John H. Hicks III, M.D., (DOB 12/14/1948) is duly licensed as a physician in the state of Wisconsin (license #20-45138). This license was first granted on November 15, 2002.
2. Dr. Hicks’ most recent address on file with the Wisconsin Medical Examining Board is 5411 State Road 50, Delevan, Wisconsin, 53115.
3. At all times relevant to this action, Dr. Hicks was working as a physician in Delevan, Wisconsin.
4. An informal complaint received by the Medical Examining Board alleges that Dr. Hicks failed to disclose to a minor patient’s parents, prior to a scheduled appointment for the minor, that he employs a “medical intuitive.”
5. Dr. Hicks states that the medical intuitive is a woman who can read energy fields, and who has expertise with nutritional supplements.
6. Dr. Hicks states that he uses his own medical judgment in treating his patients, but compares his conclusions to those of the medical intuitive for additional ideas.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. §227.44(5).

ORDER

IT IS ORDERED:

1. John H. Hicks III, M.D., shall provide the following notice, in writing, to all patients and their parents or guardians prior to any appointment and prior to the patient or parent/guardian incurring any financial obligation or travel costs relating to the appointment:

Notice to Patients: Dr. John H. Hicks III, M.D. routinely utilizes the services of a “medical intuitive” when assessing patients. There is no scientific research to support the validity of the medical intuitive’s contribution to your care. If you would prefer that the medical intuitive not be involved in your care, you have a right to inform Dr. Hicks and he will treat you without the involvement of the medical intuitive.

2. A copy of the Notice to Patients described in paragraph 1 of this Order must be signed by all patients and kept in all patient records.

3. The Notice to Patients described in paragraph 1 of this Order must be included on the home page of Dr. Hicks’ website.

4. John H. Hicks III, M.D. shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand, Eight Hundred Dollars (\$ 1,800.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

5. In the event that Dr. Hicks fails to timely pay costs as ordered or fails to comply with the ordered notice requirements, John H. Hicks III, M.D.’s license (#20-45138) SHALL BE SUSPENDED, without further notice or hearing, until Dr. Hicks has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Dr. Hicks is in compliance with the Order and that it is inappropriate for the suspension to remain in effect. The Board in its discretion may impose additional conditions and limitations for a violation of any of the terms of this Order.

6. John H. Hicks III, M.D. is responsible for compliance with all of the terms and conditions of this Final Decision and Order.

7. This Order is effective on the date of its signing.

Medical Examining Board

By: Gene Musser MD
A Member of the Board

7/16/08
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
JOHN H. HICKS III, M.D. : STIPULATION
 : Case # _____
 :

Division of Enforcement Case # 05 MED 269

John H. Hicks III, M.D., personally on his own behalf; and Jeanette Lytle, Attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of an informal complaint against John H. Hicks III, M.D., received by the Division of Enforcement (case # 05 MED 269). John H. Hicks III, M.D., consents to the resolution of this investigation by stipulation.
2. John H. Hicks III, M.D., understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his behalf and to compel their attendance by subpoena, the right to testify himself, the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision, the right to petition for rehearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. John H. Hicks III, M.D., has been provided an opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
4. John H. Hicks III, M.D. agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of John H. Hicks III, M.D. or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation.
7. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

John H. Hicks III, M.D.
5411 State Road 50
Delevan, WI 53115

Date

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

Date