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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	Case No. LS09052010MED
JONATHAN W. THOMAS, M.D.,	:	
RESPONDENT.	:	

ORDER OF SUMMARY SUSPENSION

[Division of Enforcement Case #'s 09 MED 040 & 09 MED 119]

The Petition for Summary Suspension of May 18, 2009 was noticed to be presented at 8:15 a.m., or as soon thereafter as the matter could be heard, on May 20, 2009. At that time attorney Arthur K. Thexton appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. Respondent appeared with his attorney, Patrick J. Knight of Gimbel, Reilly, Guerin & Brown.

The Wisconsin Medical Examining Board, having considered the sworn May 18, 2009 Petition for Summary Suspension, the May 18, 2009 Affidavit of Service of Notice of Presentation and Petition for Summary Suspension of Jan Johnson, and the May 18, 2009 Affidavits in Support of Petition for Summary Suspension of Dan Williams and John R. Zwieg, and having heard the arguments of counsel, hereby makes the following:

FINDINGS OF FACT

1. Jonathan W. Thomas, M.D., Respondent, date of birth July 3, 1963, 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 33210, which was first granted May 21, 1992.
2. Respondent's last address reported to the Department of Regulation and Licensing is 1325 Angels Path, DePere, WI 54115. Respondent's specialty listed with the Department is psychiatry.
3. On May 18, 2009, copies of the May 18, 2009 Notice of Presentation and Petition for Summary Suspension and Identification Key were properly served on Respondent, as required by Wis. Adm. Code § RL 6.05, by mailing them to Respondent's last address reported to the Department. On that date, those documents were also mailed to Respondent at 154. Park Place, Suite 800, Green Bay, WI 54304, faxed to Respondent at 920-491-9630 and e-mailed to Respondent at info@newbehavioralmedicine.com, the address, fax number and e-mail address for Respondent's present place of practice.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and has authority to summarily suspend Respondent's license to practice medicine and surgery in the State of Wisconsin, pursuant to Wis. Stats. §§ 227.53(3) and 448.02(4) and Wis. Adm. Code § RL 6.
2. There is probable cause to believe that Respondent violated Wis. Stat. § 448.02(3) and Wis. Adm. Code § Med 10.02(2)(zd), by having sexual contact with patients.
3. There is probable cause to believe that Respondent violated Wis. Stat. § 448.02(3) and Wis. Adm. Code § MED 10.02(2)(zc), by failing to cooperate with the Board's investigation of Respondent.
4. There is probable cause to believe that Respondent violated Wis. Stat. § 448.02(3) and Wis. Adm. Code § MED 10.02(2)(za), by failing to maintain patient health care records on a patient.
5. It is imperatively required and necessary to suspend Respondent's license to practice medicine and surgery immediately to protect the public health, safety and welfare.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the license of Jonathan W. Thomas, M.D., to practice medicine and surgery in the state of Wisconsin be and is summarily suspended for 30 days, effective immediately.

IT IS FURTHER ORDERED that the Administrative Law Judge assigned to the matter may continue the suspension for 30 days while the hearing in the disciplinary proceeding is in progress.

IT IS FURTHER ORDERED that if Respondent causes a delay in the hearing process of the disciplinary proceeding against Respondent, the Administrative Law Judge assigned to the matter may continue the suspension from the time the hearing is commenced until a final decision is issued by the Board.

IT IS FURTHER ORDERED that Respondent is hereby notified of his right, pursuant to Wis. Adm. Code § RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Medical Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED that in the event that Respondent requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Wisconsin Medical Examining Board

By: Gene Musser, MD

5/20/09