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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
GERHARD H. LOHAUS, M.D.,	:	
RESPONDENT.	:	ORDER 0000722

Division of Enforcement Case No. 10MED287

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

Gerhard H. Lohaus, M.D.
840 The Esplanade N. No. 303
Venice, FL 34285

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

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
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. 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. Gerhard H. Lohaus, M.D., Respondent, date of birth July 16, 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 20-20262, which was first granted August 13, 1976.
2. Respondent's address of record with the Department of Regulation and Licensing is 840 the Esplanade N. No. 303, Venice, Florida 34285.
3. Between 2001 and 2008, Respondent had a license to practice medicine and surgery in Florida. Respondent did not practice in Florida, but lived there in winter months.

4. On October 6, 2008, the State of Florida, Board of Medicine, accepted surrender of Respondent's license to practice medicine in that state. The order specified that the action constituted discipline.

5. The Florida Board had concluded that Respondent was impaired by AODA issues and could not safely practice medicine without additional AODA treatment. Respondent did not agree that additional AODA treatment was necessary because he had maintained his sobriety.

6. Respondent reports three years of sobriety. Respondent is not currently practicing medicine and surgery in Wisconsin, and has sold his Wisconsin residence.

7. Wisconsin Admin Code § MED 10.02(2)(q) defines unprofessional misconduct to include adverse action against a practice credential in another jurisdiction.

8. Respondent agrees to surrender registration of his license to practice medicine and surgery in Wisconsin. Respondent knows, understands and agrees that as of the date of this order, he may no longer practice medicine and surgery under his Wisconsin license, unless and until his registration is renewed, with the Board's advance permission, and pursuant to Wis. Stat. § 448.07.

9. Respondent knows, understands and agrees that he may not renew his registration to practice medicine and surgery in Wisconsin unless and until he first establishes to the Board's satisfaction that he is competent to re-enter the practice of medicine, and he agrees to do so only under terms and conditions determined by the Board.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by surrendering his license to practice medicine and surgery in Florida under the circumstances above has committed unprofessional misconduct as that term is described by Wis. Admin. Code § MED 10.02(2)(q) and he is therefore subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The surrender by Gerhard H. Lohaus, M.D., Respondent, of his registration to practice medicine and surgery in Wisconsin, and of his right to renew that registration is hereby ACCEPTED.

2. The Board retains sole discretion to permit or deny registration by Respondent in the future.

a. Before applying to reinstate and renew his registration at any time in the future, Respondent shall first pay the costs of this proceeding in the amount of \$300.00.

- b. Registration shall not be granted unless and until Respondent establishes to the Board's satisfaction that he is competent to re-enter the active practice of medicine;
- c. If the Board elects to grant Respondent registration in the future, the Board may impose whatever terms and conditions are necessary to insure Respondent's practice does not create unacceptable risk to health care consumers. Said conditions may include, but are not limited to, an extensive period of monitoring.

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

Wisconsin Medical Examining Board

By: Skalop MD MBA 3/16/11
A Member of the Board Date