

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS M. NAUGHTON, M.D.,
RESPONDENT.

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FINAL DECISION AND ORDER

0002779

Division of Legal Services and Compliance Case No. 12 MED 356

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

Thomas M. Naughton, M.D.
13035 W. Weather Creek Court
New Berlin, WI 53151

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Thomas Michael Naughton, M.D., (dob April 11, 1956), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 33299-20, first issued on June 24, 1992, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 13035 W. Weather Creek Court, New Berlin, Wisconsin 53151. He is certified by the American Board of Family Practice, with a subspecialty certificate in hospice and palliative medicine.

2. Beginning in September 2011, Respondent provided care to Patient A, an 83-year-old man with multiple serious medical conditions. Respondent admitted the patient to a

hospice program, and provided care to him until his death in February 2012. During that period, Respondent had a number of meetings with the patient's wife and children, attended the visitation, and, one month following the patient's death, telephoned the patient's widow to see how she was doing and to offer bereavement services available through the Veterans Administration, where Respondent worked.

3. Over the next several weeks, Respondent met with the widow both at her home and in restaurants, and, although she was not a patient, provided what he may have intended to be counseling and comfort, but what she interpreted as inappropriate familiarity.

4. The Board finds that Respondent, as a well credentialed geriatrician, should have been aware of the issues he was creating by his conduct in this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Thomas M. Naughton, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(intro) by failing to observe accepted professional boundaries.

3. As a result of the above conduct, Thomas M. Naughton, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Thomas M. Naughton, M.D., is REPRIMANDED.

3. The medicine and surgery license issued to Thomas M. Naughton, M.D., (license number 33299-20) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall demonstrate successful completion of one of the following courses, or a substantial equivalent which has been approved in advance by the Board or its designee:

- Intensive Course in Medical Ethics, Boundaries & Professionalism, Continuing Medical Education Program, Case Western Reserve University School of Medicine.
- Maintaining Proper Boundaries, Center for Professional Health Vanderbilt University Medical Center.

- PRIM-E: Professional Renewal in Medicine through Ethics, University of Medicine and Dentistry of New Jersey, Robert Wood Johnson Medical School.
 - Maintaining Proper Boundaries, Santé Center for Healing, Argyle TX.
 - The PBI Professional Boundaries Course, Professional Boundaries, Inc., Jacksonville, FL.
- b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Medical Examining Board, or its designee, prior to commencement of the course(s).
 - c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.
 - d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
 - e. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.
4. Within 90 days from the date of this Order, Thomas M. Naughton, M.D., shall pay COSTS of this matter in the amount of \$750.00.
 5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
 Division of Legal Services and Compliance
 Department of Safety and Professional Services
 P.O. Box 8935, Madison, WI 53708-8935
 Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 33299-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

20 November 2013
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS M. NAUGHTON, M.D.,
RESPONDENT.

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STIPULATION

0002779

Division of Legal Services and Compliance Case No. 12 MED 356

Respondent Thomas M. Naughton, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (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 as attached.

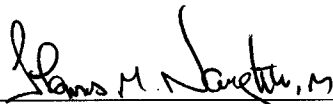
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

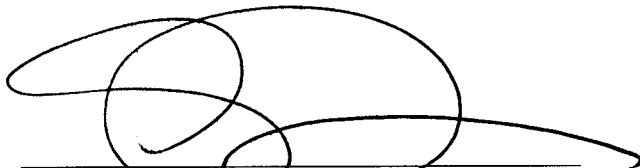
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Thomas M. Naughton, M.D., Respondent
13035 W. Weather Creek Court
New Berlin, WI 53151
License no. 33299-20

10/27/13

Date



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

10/29/13

Date