

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
JONATHAN R. HAYWARD, P.A. : FINAL DECISION AND ORDER
 : FOR REMEDIAL EDUCATION
 :

0004553

Division of Legal Services and Compliance Case No. 14 MED 383

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

Jonathan R. Hayward, P.A.
801 York Street
Manitowoc, WI 54220-4630

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Wisconsin 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. Licensee Jonathan R. Hayward, P.A. (dob October 7, 1969), is licensed in the state of Wisconsin to practice as a physician assistant, having license number 1593-23, first issued on April 14, 2003, with registration current through February 29, 2016. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 801 York Street, Manitowoc, Wisconsin 54220-4630.
2. At all times pertinent to this matter, Respondent was employed at a dermatology clinic.

3. On August 20, 2014, Respondent treated Patient A (a male born in 2002) for a skin condition. Patient A's mother accompanied him to the visit.
4. A licensed practical nurse (LPN) employed at the dermatology clinic, and related to Patient A by marriage, was present during the patient's August 20, 2014 appointment.
5. Patient A informed his mother of treatments he received after hours at the clinic following the August 20, 2014 appointment.
6. On September 12, 2014, Patient A's mother called Respondent's office inquiring about the reported after hours treatments. Patient A's mother was told by a receptionist that the only record of treatment was on August 20, 2014. Patient A's mother then made an appointment with Respondent for September 15, 2014.
7. On September 15, 2014, Respondent informed Patient A's mother that Patient A's skin condition had resolved and would need no further treatment.
8. During the September 15, 2014 visit, Patient A's mother questioned Respondent about treatments provided to Patient A after August 20, 2014 without corresponding healthcare treatment records.
9. Patient A's mother reports that Respondent informed her that he sent the medication home with the LPN to treat Patient A, although the LPN ended up treating him at the clinic. He indicated that this was done as a courtesy to LPN to avoid billing charges.
10. Following the September 15, 2014 appointment, Respondent made entries into Patient A's healthcare chart documenting two additional dates of treatment.
11. Respondent denies giving the LPN medication to take home to treat Patient A, and asserts, "each additional treatment reflected in the medical records was performed under my direct supervision after evaluating the mentioned patient."
12. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Jonathan R. Hayward, P.A., shall at Licensee's own expense, take and successfully complete four (4) hours of education in medical ethics and four (4) hours of education in medical record keeping as follows:

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
 - b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.
3. Within ninety (90) days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$697.17.
4. Request of approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

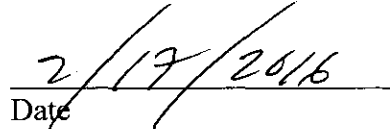
5. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF
JONATHAN R. HAYWARD, P.A.

:
:
:
:

STIPULATION

0004553

Division of Legal Services and Compliance Case No. 14 MED 383

Licensee Jonathan R. Hayward, P.A., 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. Licensee consents to the resolution of this investigation by Stipulation.

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

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

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney William R. Wick.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee 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

Stipulation

In the matter of the license of

Jonathan R. Hayward, P.A., Case No. 14 MED 383

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 Licensee, 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 for Remedial Education.

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

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



Jonathan R. Hayward, P.A., Licensee
801 York Street
Manitowoc, WI 54220-4630
License No. 1593-23

1/07/2016

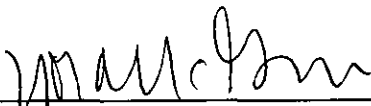
Date



William R. Wick, Attorney for Respondent
Nash, Spindler, Grimstad & McCracken, LLP
1425 Memorial Drive
Manitowoc, WI 54220

1/11/2016

Date



Yolanda Y. McGowan, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

1/15/16

Date