

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 :
: FINAL DECISION AND ORDER
HERBERT W. JONES, M.D., :
RESPONDENT. :

ORDER 0006505

Division of Legal Services and Compliance Case No. 19 MED 203

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

Herbert W. Jones, M.D.
3508 West 28th St.
Minneapolis, MN 55416

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 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 Herbert W. Jones, M.D. (DOB August 29, 1957), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 46054-20, first issued on September 2, 2003, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3508 West 28th Street, Minneapolis, Minnesota 55416.

2. Respondent is a radiologist who lives and is licensed to practice medicine in Minnesota.

3. On May 11, 2019, the Minnesota Board of Medical Practice (MN Board) entered a Stipulation and Order for Indefinite Suspension of Respondent's Minnesota medical license (MN Suspension Order).

4. The MN Suspension Order states facts, including *inter alia*:

- a. On December 4, 2018, Respondent agreed to cease practice in Minnesota.
- b. On December 6, 2018, Respondent entered into a Participation Agreement and Monitoring Plan with the Health Professionals Services Program (HPSP).
- c. Respondent subsequently violated multiple terms of the HPSP agreement.
- d. Respondent acknowledged practicing medicine while under the influence of a controlled substance and failing to complete chart reviews because of his chemical use.

5. On September 14, 2019, the MN Board entered a Stipulation and Order staying the suspension of Respondent's Minnesota medical license contingent on conditions including, *inter alia*, the following:

- a. Respondent shall participate in and fully comply with all HPSP terms and conditions.
- b. Respondent shall complete pre-approved continuing medical education on professional boundaries.
- c. Respondent shall practice only in a pre-approved practice setting and limit his practice to 40 hours per week, including call.
- d. Respondent shall obtain a pre-approved worksite monitor who shall provide monthly reports to the MN Board.
- e. Respondent shall authorize the MN Board to obtain any of his medical records, including mental health and AODA treatment, and to communicate with all his treating health professionals.
- f. After six (6) months, Respondent may petition the MN Board to increase the number of work hours or decrease the frequency of worksite monitor reports.
- g. After five (5) years, Respondent may petition the MN Board for the reinstatement of an unconditional Minnesota medical license.
- h. Respondent shall provide the MN Board with a list of all hospitals and skilled nursing facilities where he holds medical privileges, a list of all other states in which he is licensed or has applied for a license to practice

- medicine, and the names and contact information for all his residences and work sites.
- i. If Respondent resides or practices outside of Minnesota, he shall notify the MN Board thereof. Any periods of residency or practice outside of Minnesota shall not be credited to any period of Respondent's suspended, limited, or conditioned license in Minnesota unless he demonstrates that his practice in another state conforms completely with his Minnesota license.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 Herbert W. Jones, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credentialing pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.
3. As a result of the above conduct, Herbert W. Jones, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. The license to practice medicine and surgery in Wisconsin of Herbert W. Jones, M.D. (license number 46054-20) is LIMITED as follows:
 - a. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed against his medical license by the MN Board.
 - b. Any violation as determined by the MN Board is a violation under this Order. Respondent shall report to the Board any violation as determined by the MN Board within forty-eight (48) hours of the violation.
 - b. Respondent shall provide the Board with a copy of any document issued by the MN Board which alters the conditions of his license to practice medicine in Minnesota, including any document advising the full reinstatement of his Minnesota medical license without conditions.

c. Upon Respondent providing proof sufficient to the Board, or its designee, that he has successfully complied with all terms and conditions imposed on his Minnesota license and that it has been reinstated in full without conditions, the Board shall issue an order fully reinstating Respondent's Wisconsin medical license.

3. Respondent shall provide a copy of this Order to the chief medical officer of every medical facility where he practices medicine in Wisconsin, now and for the duration of this Order, regardless of whether he practices there in person or via telemedicine.

4. Within ninety (90) days from the date of this Order, Herbert W. Jones, M.D., shall pay COSTS of this matter in the amount of \$550.00.

5. All submissions required under this Order and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

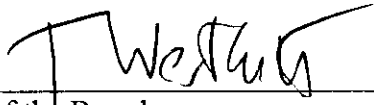
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit payment online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, the Board may refer Respondent to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

10/16/19
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HERBERT W. JONES, M.D.,
RESPONDENT.

STIPULATION

ORDER 0006505

Division of Legal Services and Compliance Case No. 19 MED 203

Respondent Herbert W. Jones, 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. Respondent is represented by Attorney Mike Hatch.


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 or Respondent's attorney, 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.

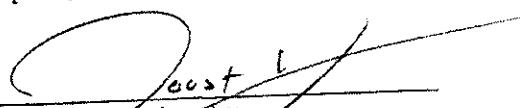
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Herbert W. Jones, M.D., Respondent
3508 West 28th St.
Minneapolis, MN 55416
License no. 46054-20

9/29/2019
Date


Mike Hatch, Attorney for Respondent
Swanson | Hatch, P.A.
431 S. 7th Street, Ste. 2545
Minneapolis, MN 55415

9/30/19
Date


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

10/1/19
Date