

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

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

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FINAL DECISION AND ORDER

ORDER 0008436

Division of Legal Services and Compliance Case Nos. 21 MED 557 and 22 MED 044

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

Herbert W. Jones, M.D.
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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint on November 17, 2022 with the Wisconsin Department of Administration, Division of Hearings and Appeals (DHA) in DHA Case Number SPS-22-0070. Prior to the hearing on the Complaint, the parties in this matter agreed 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., (Year of Birth 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, 2021.¹ Respondent's most recent

¹ Due to 2021 Wisconsin Act 10, all health care provider licenses or certificates will not expire and will remain active until thirty days after the end of the declared national emergency. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to apply for renewal through October 31, 2026.

address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Minneapolis, Minnesota 55416.

2. Respondent is also 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. 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 that Respondent participate in and fully comply with all Health Professionals Services Program HPSP terms and conditions.

5. On October 16, 2019, the Board issued Order No. 0006505, limiting Respondent's license and requiring that Respondent comply with all terms, limitations, and conditions imposed against his medical license by the MN Board.

6. On December 2, 2021, the MN Board issued an Order which indefinitely suspended Respondent's Minnesota license due to Respondent's failure to comply with the terms and conditions of the MN Board's Orders and his Participation Agreement with the Health Professionals Services Program.

7. Respondent has retired from the practice of medicine.

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

CONCLUSIONS OF LAW

1. The 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).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent of his license and registration to practice medicine and surgery in the state of Wisconsin (license no. 46054-20), as well as his right to renew such license and registration, is accepted.

3. Respondent shall not petition the Board for reinstatement until the MN Board has removed the indefinite suspension and reinstated Respondent's Minnesota license. In the event Respondent petitions the Board for reinstatement as a physician, the Board may enter an order denying such application without further notice or hearing. Whether to grant reinstatement and whether to impose any limitations or restrictions on Respondent's license and registration shall be in the sole discretion of the Board and such decision is not reviewable.

4. In the event Respondent petitions the Board for reinstatement of his license and registration to practice medicine and surgery in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$517.00, before any petition or application for a credential will be considered by the applicable board or Department.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

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

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wacker, MD
A Member of the Board

3/15/2023
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

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

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STIPULATION
ORDER 0008436

Division of Legal Services and Compliance Case Nos. 21 MED 557 and 22 MED 044

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 two pending investigations and commencement of a proceeding before the Department of Administration, Division of Hearings and Appeals, by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations and proceeding 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.



Herbert W. Jones, M.D., Respondent
Minneapolis, MN 55416
License No. 46054-20

2/8/2023
Date



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

2/9/2023
Date