BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Herbert William Jones, M.D. Physician's and Surgeon's Certificate No. A71113 Respondent	Case No. 800-2019-056447

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on FEB 26 2021.

IT IS SO ORDERED JAN 28 2021.

MEDICAL BOARD OF CALIFORNIA

By: _____
William Prasifka, Executive Director

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
REBECCA D. WAGNER
Deputy Attorney General
State Bar No. 165468
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3760
Facsimile: (415) 703-5480
E-mail: Rebecca.Wagner@doj.ca.gov
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **HERBERT WILLIAM JONES, M.D.** **3508 West 28th Street** **Minneapolis MN 55416** **Physician's and Surgeon's Certificate No. A 71113** Respondent.	Case No. 800-2019-056447 OAH No. 2020090774 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Rebecca D. Wagner, Deputy Attorney General.

2. Herbert William Jones, M.D. (Respondent) enters into this Stipulated Surrender of License and Order with the advice and counsel of his State of Minnesota counsel, Mike Hatch,

whose address is: Swanson and Hatch P.A., 431 South 7th Street, Suite #2545, Minneapolis, MN 55415.

3. On or about March 17, 2000, the Board issued Physician's and Surgeon's Certificate No. A 71113 to Herbert William Jones, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-056447 and will expire on August 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-056447 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 16, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-056447 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with Minnesota counsel, and understands the charges and allegations in Accusation No. 800-2019-056447. Respondent also has carefully read, fully discussed with Minnesota counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2019-056447, agrees that cause exists for discipline, and hereby surrenders his Physician's and Surgeon's Certificate No. A 71113 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation, he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 71113, issued to Respondent Herbert William Jones, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline

against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-056447 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2019-056447 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my Minnesota counsel Mike Hatch. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/20/2020

HERBERT WILLIAM JONES, M.D.
Respondent

I have read and fully discussed with Respondent Herbert William Jones, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12-21-20

MIKE HATCH
Minnesota Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 12/22/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

Rebecca D. Wagner

REBECCA D. WAGNER
Deputy Attorney General
Attorneys for Complainant

SF2019202793
Herbert William Jones, M.D. Stipulated Surrender

Exhibit A

Accusation No. 800-2019-056447

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Jan. 16 2020
BY A. Espinoza ANALYST

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
REBECCA D. WAGNER
Deputy Attorney General
State Bar No. 165468
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3760
Facsimile: (415) 703-5480
E-mail: Rebecca.Wagner@doj.ca.gov
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Herbert William Jones, M.D.** **3508 West 28th Street** **Minneapolis MN 55416** **Physician's and Surgeon's Certificate No. A 71113,** Respondent.	Case No. 800-2019-056447 **ACCUSATION**

PARTIES

1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about March 17, 2000, the Medical Board issued Physician's and Surgeon's Certificate Number A 71113 to Herbert William Jones, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2021, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

5. Section 2305 of the Code states:

The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

6. Section 141 of the Code states:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the

disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

7. Respondent Herbert William Jones, M.D. is subject to disciplinary action under section 141(a) and/or 2305 of the Code in that on May 11, 2019, the State of Minnesota Board of Medical Practice (Minnesota Board) issued a Stipulation and Order for Indefinite Suspension of Respondent's license. The circumstances are as follows:

8. On December 4, 2018, Respondent signed a Stipulation to Cease Practice with the Minnesota Board, and on December 6, 2018 entered into a Participation Agreement and Monitoring Plan with the Health Professionals Services Program (HPSP) for monitoring of his chemical dependency and mental health. Respondent agreed to abstain from alcohol, controlled substances, and mood-altering substances; refrain from practicing medicine; enter a residential assessment program by December 10, 2018; and submit to unannounced toxicology screens.

9. Respondent failed to enter a residential program by December 10, 2018; failed to complete a toxicology screen on January 23, 2019; and took a controlled substance (Xanax). Respondent admitted practicing medicine while under the influence of chemicals and failing to complete chart reviews because of his chemical use. As a result, the Minnesota Board indefinitely suspended Respondent's license until he provides satisfactory evidence that he is fit and competent to resume practice as a physician.

10. Respondent's conduct and the actions of the Minnesota Board as set forth in Paragraphs 7 – 9, above, and within the actual Minnesota Board documents attached as Exhibit A, constitutes unprofessional conduct within the meaning of 2305 and conduct subject to discipline within the meaning of section 141(a).

SECOND CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

11. Respondent Herbert William Jones, M.D. is subject to disciplinary action under section 141(a) and/or 2305 of the Code in that on July 23, 2019 the Medical Licensure Commission of Alabama issued an Order Temporarily Suspending Respondent's medical license based upon the request of the Alabama State Board of Medical Examiners (Alabama Board). The circumstances are as follows:

12. On or about July 23, 2019, the Alabama Board found evidence that Respondent's continued practice of medicine may constitute an immediate danger to his patients and the public and temporarily suspended his license. The Alabama Board found probable cause of the following: out of state discipline by the Minnesota Board and inability to practice medicine with reasonable skill and safety to patients because of illness, inebriation, excessive use of drugs, alcohol, or as a result of a mental and physical condition. The Alabama Board's probable cause was based on the following:

A. On October 18, 2018, Respondent failed to read a patient's images sent to his home electronically for review and when a colleague went to check on Respondent the next day, he discovered him unresponsive where he was transported to the emergency room;

B. Respondent again went to the emergency room on October 22, 2018 and was admitted into the hospital.

C. On December 20, 2018, the Minneapolis Police Department executed a search warrant at Respondent's residence and located several grams of methamphetamine and over ten grams of heroin. Witnesses at the residence said Respondent was a heroin user.

D. Respondent continued to have a troubled record of compliance in Minnesota throughout January 2019.

13. Respondent's conduct and the actions of the Alabama Board as set forth in Paragraphs 11 - 12, above, and within the actual Alabama Board documents attached as Exhibit B, constitutes unprofessional conduct within the meaning of 2305 and conduct subject to discipline within the meaning of section 141(a).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 71113, issued to Herbert William Jones, M.D.;

2. Revoking, suspending or denying approval of Herbert William Jones, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Herbert William Jones, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: Jan. 16, 2020

CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2019202793
Jones.herbert.accusation

Exhibit A

Minnesota Board of Medical Practice

Stipulation and Order for Indefinite Suspension

MINNESOTA
BOARD OF MEDICAL PRACTICE

CERTIFICATION OF DISCIPLINARY ACTION

ORDER DATED: May 11, 2019

IN THE MATTER OF: Herbert W. Jones, M.D.

CITY AND STATE: Minneapolis, MN 55416

I, Ruth Martinez, Executive Director of the Minnesota Board of Medical Practice, do hereby certify that the attached Board Order is a copy of the original official record on file in the office of the Minnesota Board of Medical Practice. As Executive Director, I am the official custodian of such documents and I have personally compared the attached copy with the original and find it to be a true and correct copy thereof.

Ruth M. Martinez, M.A.
Executive Director
Minnesota Board of Medical Practice

(SEAL)

University Park Plaza ■ 2829 University Avenue SE Suite 500 ■ Minneapolis, MN 55414-3246
Telephone (612) 617-2130 ■ Fax (612) 617-2166 ■ www.bmp.state.mn.us
MN Relay Service for Hearing Impaired (800) 627-3529
AN EQUAL OPPORTUNITY EMPLOYER

TRUE AND EXACT
COPY OF ORIGINAL

BEFORE THE MINNESOTA

BOARD OF MEDICAL PRACTICE

In the Matter of the
Medical License of
Herbert W. Jones, M.D.
Year of Birth: [redacted]
License Number: 41,941

**STIPULATION AND ORDER
FOR INDEFINITE SUSPENSION**

IT IS HEREBY STIPULATED AND AGREED, by and between Herbert William Jones, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by David P. Bunde, Esq., Fredrikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402, (612) 492-7000. The Committee was represented by Karen D. Olson, Deputy Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on September 11, 1999. Respondent is board-certified in radiology with a sub-certification in diagnostic radiology.

b. On December 4, 2018, Respondent signed a Stipulation to Cease Practice with the Board.

c. On December 6, 2018, Respondent entered into a Participation Agreement and Monitoring Plan with the Health Professionals Services Program ("HPSP") for the monitoring of his chemical dependency and mental health. The terms of the Participation Agreement and Monitoring Plan include, but are not limited to, Respondent will: abstain from alcohol, controlled substances, and any mood-altering substances; refrain from practicing medicine; enter a residential assessment program by December 10, 2018; and submit to unannounced toxicology screens on a periodic basis as requested by HPSP.

d. Respondent failed to enter a residential program for assessment by December 10, 2018, as required by the Participation Agreement and Monitoring Plan.

e. On December 19, 2018, Respondent entered residential treatment in another state. Respondent was discharged and returned to Minnesota on January 22, 2019.

f. Respondent failed to complete a toxicology screen required by HPSP on January 23, 2019.

g. On January 24, 2019, Respondent took Xanax (a controlled substance to help him sleep) despite the fact that his Xanax prescription had expired.

h. On February 14, 2019, Respondent met with the Committee and discussed his chemical use history and recent recovery efforts. Respondent acknowledged practicing medicine while under the influence of chemical and failing to complete chart reviews because of his chemical use.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1 (g)(2)-(5) (engaged in unethical or improper conduct, including, but not limited to conduct likely to harm the public; conduct that demonstrates a willful or careless disregard for the health, welfare, or safety of a patient; medical practice that is professionally incompetent; and conduct that may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.), (k) (conduct that departs from or fails to conform to the minimal standards of acceptable and prevailing medical practice), (l) (inability to practice medicine with reasonable skill and safety to patients due to illness), and (r) (became addicted or habituated to a drug or intoxicant) (2018), and Minn. Stat. § 214.355 (violating HPSP participation agreement). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order suspending Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

a. Respondent's license is **INDEFINITELY SUSPENDED.**

b. During the period of suspension, Respondent shall not, in any manner, practice medicine and surgery in Minnesota.

c. Respondent shall sign all necessary releases to allow the Board access to all medical, mental health, evaluation, therapy, chemical dependency, or other records from any treating health professional or evaluator. Respondent shall allow the Board or its designee to communicate with all treating health professionals.

d. Respondent may petition for reinstatement of his license upon submission of satisfactory evidence that he is fit and competent to resume practice as a physician with reasonable skill and safety to patients. Satisfactory evidence shall include, but is not limited to, six months of documented and uninterrupted recovery and at least 12 random biological fluid screens per quarter. The biological fluid screens shall be collected and tested consistent with recognized protocols and handled with legal chain of custody methods.

e. Upon petitioning for reinstatement, Respondent shall appear before the Committee to discuss his petition, progress in recovery, and practice plans. Upon hearing his petition, the Committee may recommend that the Board continue, modify, or remove the suspension or impose conditions or restrictions as deemed necessary.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences. The information shall be sent to Executive Director, Minnesota Board of Medical Practice, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

8. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation, and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

9. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

10. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: March 26, 2019

HERBERT W. JONES, M.D
Respondent

Dated: 5/11/19, 2019

FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 11th day of May, 2019.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By:

Exhibit B

State of Alabama Medical Licensure Commission

Order Temporarily Suspending License

STATE OF ALABAMA
MEDICAL LICENSURE COMMISSION

POST OFFICE BOX 887
MONTGOMERY, ALABAMA 36101-0887

JAMES H. WALBURN, M.D.
CHAIRMAN/EXECUTIVE OFFICER

KAREN H. SILAS
EXECUTIVE ASSISTANT

TELEPHONE: (334) 242-4153
FAX: (334) 242-4155

August 8, 2019

Sharee Woods
Medical Board of California
Enforcement Program
2005 Evergreen Street
Suite 1200
Sacramento, CA 95815-5401

I, Karen H. Silas, Executive Assistant and Custodian of Records for the Medical Licensure Commission of Alabama, 848 Washington Avenue, P.O. Box 887, Montgomery, Alabama, 36101-0887, hereby certify that the attached documents are true and correct copies of those records which you have requested and are on file with the Medical Licensure Commission of Alabama in the matter of: **Herbert William Jones, S.P. 139, DOB** [redacted]

EXECUTED this 8th day of August, 2019.

Karen H. Silas, Executive Assistant
Alabama Medical Licensure Commission

ALABAMA STATE BOARD OF	)	
	)	BEFORE THE MEDICAL LICENSURE
Complainant,	)	COMMISSION OF ALABAMA
	)	
vs.	)	
	)	CASE NO. 19 - 163
HERBERT WILLIAM JONES, M.D.,	)	
	)	
Respondent.	)	

ORDER TEMPORARILY SUSPENDING LICENSE
AND SETTING HEARING

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the authority of Ala. Code § 34-24-361(f) and 41-22-19(d), it is the ORDER of the Commission that the license to practice medicine across state lines, license certificate number SP.139, of HERBERT WILLIAM JONES, M.D., be, and the same is hereby, immediately suspended. HERBERT WILLIAM JONES, M.D., is hereby ORDERED and DIRECTED to surrender the said license certificate to Karen Silas/MLC a duly authorized agent of the Medical Licensure Commission. HERBERT WILLIAM JONES, M.D., is hereby ORDERED to immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint of the Alabama State Board of Medical Examiners shall be heard by the Commission and a decision rendered thereon.

This action is made consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code § 34-24-361(f), based upon the request of the Alabama State Board of Medical Examiners upon the Board's finding and certification that the Board presently has evidence in its possession that the continuance in practice of HERBERT WILLIAM JONES, M.D., may constitute an immediate danger to his patients and the public.

It is the further ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 25th day of October, 2019, at 9:00 a.m., at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.

HERBERT WILLIAM JONES, M.D., is ORDERED to appear before the Commission at the aforesaid time and date to answer the allegations of the Administrative Complaint filed by the Alabama State Board of Medical Examiners.

It is the further ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this order shall be forthwith served upon HERBERT WILLIAM JONES, M.D., by personally delivering the same to him at his office or at his residence or such place as he may be found in the State of Alabama, or by certified mail, return receipt requested, to his last known address if he cannot be found in the State of Alabama. The Commission further directs that the service of process shall be made by Karen Silas / FedEx who is designated as the duly authorized agent of the Medical Licensure Commission.

It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuances based upon scheduling conflicts of attorneys or parties will be considered unless such request is made forty-five (45) days prior to the scheduled hearing date.

ORDERED at Montgomery, Alabama, this 23rd day of July, 2019.

James H. Walburn, M.D.

James H. Walburn, M.D.
Medical Licensure Commission of Alabama

FILED
JUL 22 2019
MEDICAL LICENSURE COMMISSION

ALABAMA STATE BOARD OF MEDICAL EXAMINERS,	)	BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA
Complainant,	)	
vs.	)	CASE NO. 19 - 163
HERBERT WILLIAM JONES, M.D.,	)	
Respondent.	)	

ADMINISTRATIVE COMPLAINT AND PETITION FOR SUMMARY SUSPENSION OF LICENSE

Comes now the Alabama State Board of Medical Examiners (hereinafter "the Board"), and submits herein its sworn petition pursuant to the authority of Ala. Code §§ 34-24-361(e) and (f), and respectfully represents to the Medical Licensure Commission (hereinafter "the Commission") the following:

1. On November 29, 2017, the Respondent, Herbert William Jones, M.D., was issued a license to practice medicine across state lines in the State of Alabama, license number SP.139. Dr. Jones has maintained a license to practice medicine across state lines in Alabama since that date. He does not hold an Alabama Controlled Substances Certificate.

2. The Board has investigated Dr. Jones, and, based on that investigation, has concluded that there is probable cause to believe that he has committed the following violations of Ala. Code § 34-24-360:

a. Has had disciplinary action taken by another state against his license to practice medicine in that state, to-wit, Minnesota, based upon acts by the licensee similar to acts prohibited under Ala. Code § 34-24-360, a violation of Ala. Code § 34-24-360(15); and

b. Being unable to practice medicine with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition, a violation of Ala. Code § 34-24-360(19)a.

3. In support of these allegations, the Board states the following:

Count One – Disciplinary Action in Another State

4. On May 11, 2019, the Minnesota Board of Medical Practice executed a Stipulation and Order for Indefinite Suspension with Dr. Jones that indefinitely suspended his license to practice medicine and surgery in Minnesota.

5. The agreed upon statutory basis for the indefinite suspension of Dr. Jones's Minnesota license was that he violated:

a. Minn. Stat. § 147.091, subd. 1 (g)(2)-(5) by engaging in unethical or improper conduct, including, but not limited to conduct likely to harm the public; conduct that demonstrates a willful or careless disregard for the health, welfare, or safety of a patient; medical practice that is professionally incompetent; and conduct that may create unnecessary danger to any patient's life, health, or safety;

b. Minn. Stat. § 147.091, subd. 1 (k) by engaging in conduct that departs from or fails to conform to the minimal standards of acceptable and prevailing medical practice;

c. Minn. Stat. § 147.091, subd. 1 (l) was/is unable to practice medicine with reasonable skill and safety to patients due to illness;

d. Minn. Stat. § 147.091, subd. 1 (r) became addicted or habituated to a drug or intoxicant; and

e. Minn. Stat. § 214.355 by violating his participation agreement with the Minnesota Health Professionals Services Program (HPSP).

6. The underlying acts which were the basis for the indefinite suspension of Dr. Jones's Minnesota license are similar to acts prohibited under Ala. Code § 34-24-360(2), (3), (9), and/or (19)a.

Count Two – Being Unable to Practice Medicine with Reasonable Skill and Safety to Patients

7. On or about October 18, 2018, Dr. Jones failed to read patient images that were sent electronically to his home for review. On October 19, 2018, a colleague went to Dr. Jones's home out of concern and discovered him unresponsive with his face covered with an unknown black substance. Dr. Jones was then transported to the emergency department where it was indicated that he had [redacted]

8. On or about October 22, 2018, Dr. Jones again presented to the emergency department with [redacted] Dr. Jones was admitted to the [redacted] and treated with [redacted] Dr. Jones was then placed on a [redacted] His providers concluded that the basis for this admission was [redacted]

9. On or about December 6, 2018, Dr. Jones [redacted]

10. [redacted]:

a. [redacted]

b. [redacted]

c. [redacted]

d. [redacted]

e. [redacted]

f. [redacted]

11. On or about December 20, 2018, the Minneapolis Police Department executed a search warrant at Dr. Jones's residence. The search warrant yielded several grams of methamphetamine and over 10 grams of heroin. Other persons were present at the residence when the search warrant was executed and several of them indicated that Dr. Jones was a heroin user. Upon information provided to the Minnesota Board of Medical Practice, it is believed that Dr. Jones's significant other was the target of the search warrant and had been selling controlled substances out of the residence.

12. Throughout January 2019, Dr. Jones had a troubled record of compliance with the Minnesota [redacted]

13. The Board of Medical Examiners finds and certifies to the Medical Licensure Commission that the continuation of the authority of Dr. Jones to practice medicine in Alabama may constitute an immediate danger to patients or to the public and that the Board has in its possession evidence to support this finding.

Wherefore, the foregoing premises considered, the Alabama Board of Medical Examiners respectfully requests that the Medical Licensure Commission, pursuant to its authority under Ala. Code §§ 34-24-361(f) and 41-22-19(d), immediately suspend the license to practice medicine across state lines of Herbert William Jones, M.D., without a hearing, and order that Dr. Jones

immediately cease and desist from the practice of medicine in the State of Alabama and surrender to the Medical Licensure Commission of Alabama or a designated agent his license to practice medicine.

Further, the Board of Medical Examiners requests that the Medical Licensure Commission set a hearing on this Administrative Complaint, and order that the Respondent, Herbert William Jones, M.D., appear and answer the allegations contained in this Administrative Complaint. The Board requests that, at the conclusion of the hearing, the Commission revoke the special purpose license to practice medicine of Dr. Jones, and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for consideration.

The Board is presently continuing the investigation of Dr. Jones and said investigation may result in additional charges being prepared and filed as an amendment to this Administrative Complaint.

The Board requests that administrative costs be assessed against the Respondent pursuant to Ala. Code § 34-24-381, and Commission Rule 545-X-3-.08(12)(e).

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in its resolution of July 17, 2019, a copy of which is attached hereto and incorporated herein.

EXECUTED this 22nd day of July, 2019.

Sarah H. Moore
Executive Director
Alabama Board of Medical Examiners

J. Matthew Hart
Associate General Counsel
Alabama Board of Medical Examiners
P.O. Box 946
Montgomery, AL 36101-0946
Telephone # (334) 242-4116
Facsimile # (334) 242-4155
mhart@albme.org

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Sarah H. Moore, who, being by me first duly sworn, deposes and says that she, in her capacity as Executive Director of the Alabama Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of her knowledge, information and belief.

Sarah H. Moore
Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this the 22nd day of July, 2019.

Carla H Kruger
Notary Public
My commission expires: 9/20/19

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

AFFIDAVIT

Before me, the undersigned, personally appeared Sarah H. Moore, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn deposes and says as follows:

The Alabama State Board of Medical Examiners in session on July 17, 2019, a quorum of the members of the Board being present, conducted an investigation in to the medical practice of Herbert William Jones, M.D. At the conclusion of the discussion, the Board adopted the following resolution:

> Herbert William Jones, M.D., Minneapolis, MN. After consideration of investigative information, the Credentials Committee recommended filing an Administrative Complaint and Petition for Summary Suspension of License with the Medical Licensure Commission. The motion was adopted without objection.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 17th of July, 2019.

Sarah H. Moore
Executive Director
Alabama Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this the 22nd day of July, 2019.

Carla H Kruger
Notary Public
My commission expires: 9/20/19

ALABAMA STATE BOARD OF MEDICAL EXAMINERS,	)	
Complainant,	)	BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA
vs.	)	
HERBERT WILLIAM JONES, M.D.,	)	CASE NO. 19 - 163
Respondent.	)	

PROTECTIVE ORDER

Pursuant to 42 C.F.R Part 2 and applicable state law, the Commission orders that the Administrative Complaint filed against Herbert William Jones, M.D. be redacted before it is publicly disseminated. The Commission finds that the disclosure of certain information in the Administrative Complaint filed against Dr. Jones is protected by 42 C.F.R. Part 2 and is therefore confidential. The Commission shall take all measures as are necessary to limit disclosure of this confidential information for the protection of the patient and the treatment services. These measures may include sealing or redacting the record. The Commission further finds that the public will not be prejudiced by the redaction of the Administrative Complaint and that the interests of the public are being protected by its filing. Accordingly, the Commission orders that all documents containing information protected by 42 C.F.R. Part 2 be redacted to comply with its confidentiality requirements. A copy of this Order shall be provided to the Alabama Physician Health Program.

ORDERED this 23rd day of July, 2019.

James H. Walburn, M.D., Chairman
Medical Licensure Commission